

**OFFICIAL INFORMATION\*\*CONFIDENTIAL\*\*EVIDENCE CODE SECTION 1040  
INTRADEPARTMENTAL CORRESPONDENCE**

DATE: September 24, 2020

TO: Honorable Board of Police Commissioners

FROM: Inspector General

SUBJECT: OFFICER-INVOLVED SHOOTING 054-19 FOR 9/29/20 CLOSED-SESSION AGENDA

<b>Division</b>	<b>Date</b>	<b>Time</b>	<b>Duty-On (X) Off ( )</b>	<b>Uniform-Yes (X) No ( )</b>
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Hollywood	11/25/19	11:30 a.m.		
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<b>Officer(s) Involved in Use of Force</b>	<b>Length of Service</b>
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Brady, Y./PO II	4 years
Padilla, N./ PO II	6 years, 4 months
Frias, J./ PO II	9 years, 9 months
Smyth, T./ PO II	5 years, 9 months

**Total Involved Officer(s)**

1 x Sgt. I  
2 x PO III  
8 x PO II

<b>Suspect</b>	<b>Deceased (X)</b>	<b>Wounded ( )</b>	<b>Non-Hit ( )</b>
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Nathaniel Robert Pinnock: Male Black, 22 years of age.

**COP Recommendations**

**Tactics** – Administrative Disapproval, Officers Smyth and Holguin. Tactical Debrief, Sergeant Williams, along with Officers Brady, Padilla, Welch, Frias, Anaya, Martinez, Coronado, and Dominguez.

**Drawing/Exhibiting** – In Policy, No Further Action, Officers Brady, Padilla, Welch, Frias, Smyth, Anaya, Martinez, Coronado, and Dominguez.

**Less-Lethal Use of Force** – In Policy, No Further Action, Officers Brady, Frias, and Smyth.

**Lethal Use of Force** – In Policy, No Further Action, Officers Brady and Padilla.

## **IG Recommendations**

**Tactics** – Same as COP.

**Drawing/Exhibiting** – Same as COP.

**Less-Lethal Use of Force** – Same as COP.

**Lethal Use of Force** – Same as COP.

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## **INVESTIGATION**

### **Annotated Force Investigation Division (FID) Incident Summary**<sup>1</sup>

**Synopsis:** On Monday, November 25, 2019, at 1125 hours, Hollywood Patrol Division officers responded to a “211 suspect there now” radio call. They located the suspect, Nathaniel Pinnock, who was armed with a machete and carrying stolen merchandise. The officers told Pinnock to “stop” and to “drop the machete,” but he refused. Pinnock then entered the parking lot of a Chick-fil-A restaurant where he committed a carjacking.

While Pinnock was seated in the driver’s seat and the vehicle was still in park, an officer deployed a TASER through the open driver’s window. Pinnock placed the vehicle in drive and accelerated out of the parking lot as officers followed him on foot. Pinnock struck a curb and two unoccupied police vehicles before abandoning the vehicle at McCadden Place and Sunset Boulevard.

Pinnock exited the vehicle with the machete in his right hand. One officer discharged a beanbag shotgun and a second officer discharged a 40mm less-lethal launcher. Pinnock ran to the north sidewalk of Sunset Boulevard while officers pursued on foot. While on the sidewalk, Pinnock unexpectedly turned with the machete and charged one of the officers resulting in an officer-involved shooting (OIS). Pinnock was struck by gunfire and fell to the ground.

Pinnock was taken into custody and transported by Rescue Ambulance to Cedars-Sinai Medical Center where he was pronounced deceased.

### **Investigative Summary**

On Monday, November 25, 2019, at approximately 1115 hours, Nathaniel Pinnock, entered the AutoZone store located at 1306 North Highland Avenue.<sup>2</sup> Pinnock picked up a car battery and two power inverters before walking quickly toward the exit with the items.

According to the store manager, Jonatan Hernandez, Pinnock walked toward the door which caused him to believe he was going to leave without paying for the merchandise. Hernandez approached Pinnock and asked him if he needed help before attempting to take the merchandise from Pinnock and place it on the front counter.

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<sup>1</sup> The Incident Summary presented here is reproduced from FID’s report regarding this case, and is supplemented with annotations by the OIG. All OIG annotations are referenced as an “OIG Note.” All other references and citations in the reproduced FID Incident Summary (e.g., Investigators’ Notes or Addenda Items) are reproduced directly from FID’s report. Unless otherwise stated, all information provided in OIG annotations is derived from FID’s investigation of this incident.

<sup>2</sup> Nathaniel Pinnock, six feet tall, 200 pounds, 22 years of age.

Pinnock said, "leave me be," and raised the car battery above his head before dropping it on the floor. The car battery struck Hernandez' toe, and broke open, spilling battery acid onto the floor. Pinnock then produced a previously unseen, 24-inch, machete and swung it at Hernandez. The machete came within 5 inches of Hernandez' chest, causing him to back away from Pinnock and stand behind the front counter. After assaulting Hernandez with the machete, Pinnock returned to the battery section, obtained additional merchandise and exited the store while still holding his machete.



[Photograph taken by witness Cesar Barrios, after Pinnock assaulted Hernandez]

Cesar Barrios witnessed the assault on Hernandez and followed Pinnock out of the store. He called 911 and reported the crime to Communications Division (CD) as he watched Pinnock walk north on Highland Avenue toward Sunset Boulevard. At 1122 hours, CD broadcast the following information over the Hollywood Area Base Frequency: *"Hollywood units and 6A31, 6A31, 211 suspect there now, Fountain and Highland, Fountain and Highland at the Auto Zone. Suspect is walking northbound Highland towards Sunset. Male Black, black and grey hooded sweatshirt, black pants, armed with a machete. 211'd the business. Property taken was jumper cables and car battery. Stand by for additional. Code three. Incident 2104."*

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**[Photograph of Pinnock fleeing the AutoZone taken by witness Jonatan Hernandez]**

In response to the broadcast, multiple uniformed members of the Hollywood Patrol Division responded to this incident, including: Police Officers II Jose Frias, Serial No. 39871, and Taylor Smyth, Serial No. 41595, Unit 6A45, Youssef Brady, Serial No. 42330, and Shaun Holguin, Serial No. 35643, Unit 6A31, Nicolas Padilla, Serial No. 40918, and Anna Welch, Serial No. 43669, Unit 6FB1, and Police Officer III Cuitlahuac Dominguez, Serial No. 39042, and Police Officer I Chris Choi, Serial No. 44001, Unit

No. 6A77.<sup>3</sup> The units were joined by, Air Support Division, Police Officer II + 6 Chad Reuser, Serial No. 35324, pilot, and Police Officer II + 5 Chad Zipperman, Serial No. 39627, Tactical Flight Officer (TFO), Unit Air 18.

**OIG Note No. 1:** *Officers Brady and Holguin, who had not worked together prior to the day of this incident, were initially assigned the call for service. Officer Brady was the driver officer, and Officer Holguin was the passenger officer. According to Officer Brady, “So being brand new partners, we discuss who is going to be cover, who he going to be contact, books, the driver.”<sup>4</sup> Both officers indicated that there was no additional pre-planning while they were en route to the call, with the exception of Officer Holguin telling Officer Brady that he would retrieve the beanbag shotgun; he did so as the officers arrived at the scene.<sup>5</sup>*

*According to Officer Brady, there was no time for pre-planning while he and Officer Holguin were en route to the call. He indicated that the Hollywood Police Station, from where the officers responded Code 3, was only about one-half mile away from the call location, and that he and Officer Holguin were listening to updates on the radio while they were en route.<sup>6</sup> Officer Brady believed that it took approximately 30 seconds to respond to the scene; however, his BWV revealed that it took the officers approximately 90 seconds to get there.<sup>7</sup>*

At 1125 hours, Officers Dominguez and Choi placed themselves Code Six in the area over Hollywood Area Base Frequency. As they drove north on McCadden Place from De Longpre Avenue they observed Pinnock on the west sidewalk. Pinnock was in possession of the stolen car battery and holding a machete. Officer Dominguez positioned his police vehicle approximately 100 feet away from Pinnock and utilized the public address system to order Pinnock to drop the machete; Pinnock did not comply. Officer Dominguez broadcast that Pinnock was still armed with the machete and now walking north on McCadden Place toward the Chick-fil-A south of Sunset Boulevard.

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<sup>3</sup> The following uniformed Hollywood Division personnel also responded to this incident: Sergeants I Aaron Shapiro, Serial No. 36958, Unit 6Q1, Bumjin Kim, Serial No. 38746, Unit No. 6Z20, and Jerry Williams, Serial No. 39581, Unit No. 6L70, and Police Officer III Heriberto Coronado, Serial No. 38985, and Police Officer I Destini Anderson, Serial No. 43880, Unit 6A63, Police Officers II David Anaya, Serial No. 40012, and Nancy Martinez, Serial No. 40784, Unit 6A67, Ruben Vasquez, Serial No. 34197, and Braxton Tatum, Serial No. 42913, Unit 6A22.

<sup>4</sup> Brady, Page 8, Lines 10-12.

<sup>5</sup> Holguin, Page 9, Line 19 to Page 10, Line 7; Page 22, Lines 2-12.

<sup>6</sup> According to Google Maps, the route that the officers took to get to the scene was approximately .6 miles long.

<sup>7</sup> Brady's BWV, 19:25:52-19:27:24.



At 1126 hours, Officers Frias and Smyth stopped their police vehicle next to Officers Dominguez and Choi's police vehicle.<sup>8 9</sup> Officer Dominguez pointed to Pinnock and advised that he was armed with a machete. Officer Smyth told Officer Dominguez that he and his partner would drive ahead of Pinnock. According to Officer Smyth, he drove ahead of Pinnock to contain him in a less crowded area.

Officer Smyth drove north and positioned his vehicle approximately 35 feet ahead of Pinnock with the driver's side facing him. Officer Smyth exited his vehicle and unholstered his pistol as Pinnock continued walking north toward him with the machete in his hand. Officer Smyth ordered Pinnock to "*drop the knife*" and believed Pinnock said something to the effect of "*shoot me.*"<sup>10</sup> According to Officer Smyth, he believed Pinnock was attempting to initiate an officer involved shooting with him. Officer Smyth redeployed to the passenger side of his vehicle in an effort to create time and distance. Simultaneously, Officer Frias obtained their beanbag shotgun and chambered a Super-Sock round before loading an additional round into the magazine. While the officers used their vehicle for cover, Pinnock turned south and walked away from them.

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<sup>8</sup> Unless otherwise attributed, all subsequent times and quotations were derived from BWV.

<sup>9</sup> Officer Frias, 10 years, 10 months with the Department, 5 feet 3 inches tall and 155 pounds. Officer Smyth, 5 years, 8 months with the Department, 6 feet 3 inches tall and 200 pounds. Both officers were wearing their ballistic vests, and each had a Department-approved handgun, TASER, baton, Oleoresin Capsicum (OC) spray and handcuffs attached to their Sam Browne equipment belt. Additionally, Officer Smyth had a hobble restraint device (HRD) on his person while Officer Frias' HRD was stored in their police vehicle. Both officers were also equipped with Body Worn Video (BWV). The officers' vehicle, Shop No. 81015, was a marked black and white Ford Explorer with a forward-facing red light and a Digital In-Car Video System (DICVS). Officer Smyth was the driver and Officer Frias was the passenger.

<sup>10</sup> Smyth Page 16, Line 9.



**[Image from Officer Smyth's BWV of Pinnock facing officers who were staged to the south]**

As Pinnock walked away from Officers Smyth and Frias, Officers Coronado and Anderson arrived and positioned their police vehicle in the street south of him. They exited their vehicle and while behind their respective doors, unholstered their handguns. According to Officers Dominguez, Coronado and Anderson, Pinnock was holding the machete in his right hand and a shorter knife in his left hand.<sup>11</sup> Officer Anaya, who was armed with a 40mm Less Lethal Launcher (hereafter 40mm), joined Officer Coronado behind the driver's door. Officer Martinez unholstered her handgun and joined Officer Anderson behind the right front door. At this point, Air 18 arrived and began providing updates over the frequency.

**Note:** A knife was not located during this investigation, however a 7.5-inch, hard-plastic knife sheath was recovered from the sidewalk immediately north of where Officers Coronado and Anderson initially encountered Pinnock.

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<sup>11</sup> Additionally, Officers Dominguez and Coronado described the knife as having an orange handle.



[Image from Officer Coronado's DICV of Pinnock on the sidewalk]

Pinnock then picked up the car battery, and while still armed with the machete, walked west into the Chick-fil-A parking lot. Officer Anaya transitioned the 40mm to his left hand and unholstered his handgun with his right hand as he and Officer Martinez followed Pinnock into the parking lot. Pinnock approached the passenger side of a Lexus sedan that was stopped at the drive-through window.<sup>12</sup> Pinnock placed the car battery on the ground and opened the Lexus' right front door. Officer Anaya approached the vehicle and ordered Pinnock to *"Stop! Get down! Drop the machete."* while pointing his handgun at him. Pinnock responded by saying *"Shoot me."* before he picked up the car battery and entered the right front seat of the Lexus. Simultaneously, the driver, Mark Becerra, exited the vehicle from the driver's door.

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<sup>12</sup> The vehicle was a 2008, Lexus IS250, sedan with California License Plate No. 6TPN316.



**[Image taken from Officer Anaya's BWV prior to Pinnock entering the Lexus]**

As Officer Brady arrived at the incident he unholstered his handgun, but re-holstered when Officer Anaya passed the 40mm to him. Officer Brady checked to ensure the 40mm was loaded and assumed the role of less lethal.<sup>13</sup> According to Officer Brady, he heard Pinnock state “kill me” or “just kill me” immediately prior to entering the Lexus.<sup>14</sup>

***OIG Note No. 2:*** Officer Holguin exited the police vehicle with the beanbag shotgun after Officer Brady, and he also began to head toward the Chick-fil-A drive-through. Officer Holguin reported that he was unaware of where his partner was after exiting the vehicle.<sup>15</sup>

*As Officers Brady and Holguin both reached the general area of the drive-through, Officer Brady approached several other officers positioned in and around the drive-through as Pinnock was entering the Lexus. Meanwhile, Officer Holguin remained behind the cover of a parked vehicle located immediately south of the curb near the drive-through.*

Simultaneously, Officer Smyth arrived and approached the driver's side of the vehicle with his handgun at a two-handed low-ready position. While holding his pistol in his left hand, Officer Smyth quickly unholstered his TASER and maintained it in his right hand.

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<sup>13</sup> Officer Brady did not check to see if the red dot sight was energized at the time he received the 40mm and could not recall if he observed the red dot sight when he later discharged the 40mm on McCadden Place.

<sup>14</sup> Brady, Page 97, Line 7.

<sup>15</sup> Holguin, Page 11, Lines 10-13.

**OIG Note No. 3:** *As described by Officer Smyth, "...I know it's against Department policy to do it, but due to the exigency of him trying to get control of that vehicle, I knew that one effective way is, at least in my experience in the past has been a Taser, so I tried to use an effective weapon system to shut him down, so I pulled it out. And I guess in the fluidity of the adrenalin, I -- I didn't holster my firearm."*<sup>16</sup>

From an approximate distance of two feet, Officer Smyth discharged his TASER through the open driver's window while the vehicle was stationary.<sup>17</sup> Officer Smyth stated he did not have time to issue a verbal warning because he was exigently attempting to prevent Pinnock from gaining control of the vehicle. According to Officer Smyth, he targeted Pinnock's navel area because he believed *"It would have caused him to clench up, and my goal was prior to him, I knew the vehicle was in park because the driver got out of the vehicle and was able to -- the vehicle didn't move at that point, so my thought in my head was if I tase him right now, I'll prevent him from being able to use the vehicle, and like tasing him, it would stop him, and hopefully, I'd be able to grab an arm to put him in handcuffs and on the car."*<sup>18</sup>

**Note:** According to Officer Smyth, he believed that he was approximately eight feet away from Pinnock when he discharged the TASER. He believed that the probes entered the vehicle through the open window but did not know if they ultimately made contact with Pinnock.

Officer Welch was standing approximately 25 feet east of the Lexus in the drive-through lane at the point the TASER was discharged. According to Officer Welch, she believed the TASER probes struck Pinnock, but that he removed them before fleeing in the Lexus. The investigation was unable to determine if the probes ultimately made contact with Pinnock.

[...]

As the TASER was discharged, Pinnock accelerated east, and struck a curb in the parking lot. Pinnock then turned north onto McCadden Place and struck the back of Shop No. 81036 causing it to collide with Shop No. 81015. Pinnock briefly continued north before disabling the Lexus by crashing it into the driver's side of Shop No. 80484 and the west curb of McCadden Place.

**OIG Note No. 4:** *Pinnock, who was unaffected by the TASER, fled in the Lexus while Officer Brady and several other officers gave chase on foot. Believing a possible pursuit was about to take place, Officer Holguin ran*

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<sup>16</sup> Smyth, Page 27, Lines 14-21.

<sup>17</sup> This distance was estimated by FID investigators with the use of BWV footage.

<sup>18</sup> Smyth, Page 38, Lines 15-23.

*back to his police vehicle.<sup>19</sup> According to Officer Holguin, “Not until the driver made a left turn out of the Chick-fil-A parking lot and I realized that the suspect had gone eastbound on Sunset whether that was on foot or in the vehicle I realized that I didn’t know where Brady was.”<sup>20</sup>*

*As Officer Holguin ran toward his police vehicle, he heard Pinnock crash. Not knowing if the crash had disabled the Lexus, and believing a pursuit was still possible, Officer Holguin reached the police vehicle, ran several steps north on McCadden Place, and then returned to the police vehicle.*

**OIG Note No. 5:** *An investigation into the traffic collision determined that Pinnock deliberately crashed the Lexus. As described in the Attempted Murder Incident Report related to this incident, “Major Collision Investigation Team (MCIT) Detective II Chang Kim, Serial No. 31117, and Police Officers III Brandon Jeon, Serial No. 37737, and Jahna Rinaldi, Serial No. 30575, responded to the incident and determined that the suspect deliberately struck the curb and two LAPD black and white vehicles and therefore determined the collisions should be documented on a crime report and not a CHP 180.”<sup>21</sup>*

In response to Pinnock’s flight, the officers redeployed from the parking lot area onto McCadden Place.

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<sup>19</sup> The OIG noted that Officer Holguin stated during his interview that he “walked” back toward his vehicle, and that just before reaching the vehicle, he “walked” north on McCadden Place as he saw officers begin to run eastbound on Sunset Boulevard. (Holguin, Page 7, Lines 14-17 and Line 24.) However, Officer Holguin’s BWV revealed that he jogged/ran both times.

<sup>20</sup> Holguin, Page 27, Lines 14-17.

<sup>21</sup> FID Addendum No. 7. FID advised the OIG that MCIT based their conclusion on speed calculations and the lack of braking by Pinnock as he was in control of the Lexus.





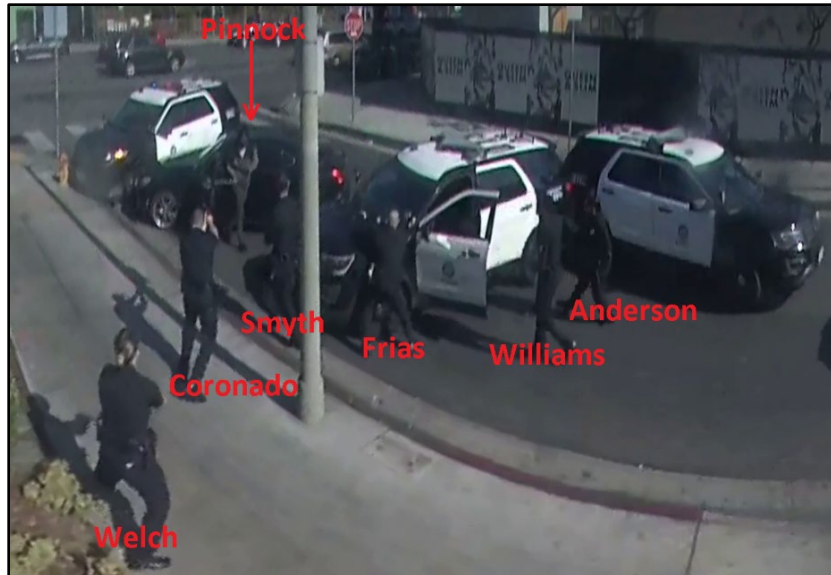
[Schematic documenting the Lexus' path of travel]  
(Full-size photograph)

[...]

After the Lexus became disabled, Officer Smyth moved within 10 feet of Pinnock, dropped his TASER onto the street and re-established a two-handed grip on his pistol while ordering Pinnock to exit the vehicle. Simultaneously, Officer Frias positioned himself behind the engine compartment of Shop No. 81036 and raised his beanbag shotgun in Pinnock's direction.<sup>22</sup>

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<sup>22</sup> Unless otherwise specified, all distance determinations were derived by comparing landmarks that were observed on BWV to a scale diagram that was completed by FID during this investigation.



**[Image taken from Chick-fil-A security video after Pinnock exited the disabled Lexus]**

Sergeant Williams entered the Chick-fil-A parking lot approximately three seconds prior to Pinnock fleeing in the Lexus.<sup>23</sup> Sergeant Williams re-deployed onto McCadden Place and positioned himself behind a police vehicle near Officer Frias as Officers Coronado, Welch and Smyth ordered Pinnock to “Get out of the car.” Approximately nine seconds after disabling the Lexus, Pinnock exited and moved quickly toward the rear of the vehicle with the machete in his right hand. According to Sergeant Williams, he observed Pinnock exiting the Lexus and saw him reaching for the machete. Sergeant Williams directed Officer Frias to discharge the beanbag shotgun at Pinnock with the intention of disarming him and preventing him from fleeing again.

According to Officer Frias, he had witnessed Pinnock commit a carjacking and had observed him exit the Lexus with a machete in his hand. Officer Frias believed Pinnock was a deadly threat to others and was concerned that he was about to flee again. Officer Frias discharged one round from the beanbag shotgun, targeting Pinnock’s abdominal area from an approximate distance of ten feet. Officer Frias made this decision independently and did not hear Sergeant Williams’ command to fire the beanbag shotgun. Officer Frias stated that there was not enough time to give a verbal warning prior to discharging the beanbag shotgun. The investigation did not determine if Pinnock was struck; however, Officer Frias believed that the Super-Sock round struck Pinnock on the right shoulder area as he turned to run east.

[...]

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<sup>23</sup> Sergeant Williams did not initially advise CD that he was Code Six because he was focused on exiting his vehicle so that he could take command and control of the situation. Additionally, Sergeant Williams noted that the airship was broadcasting on the frequency at the time he arrived. Sergeant Williams ultimately advised CD that he was Code Six and declared himself the incident commander after Pinnock was taken into custody.



Officer Brady exited the Chick-fil-A parking lot with the other officers and observed Pinnock seated inside the disabled Lexus. Officer Brady sought cover behind a nearby police vehicle. Officer Brady was aware that Pinnock had just carjacked someone while armed with a machete and noted he was acting aggressive toward officers. When Pinnock exited the Lexus, he moved in Officer Brady's direction while holding the machete in his right hand. Officer Brady stated that there was not enough time to give a verbal warning. Officer Brady discharged one round from the 40mm, targeting Pinnock's abdominal area from an approximate distance of 15 feet. Officer Brady did not know if the round struck Pinnock, nor did he see any noticeable effect after the round was fired.

[...]

After the 40mm was discharged, Pinnock ran to the southeast corner of McCadden Place and Sunset Boulevard, before continuing east along the south sidewalk of Sunset Boulevard, with the machete in his right hand.

**OIG Note No. 6:** *As Pinnock ran, Sergeant Williams ran to his vehicle and shouted, "Get in your car, get in your car."*<sup>24</sup>

Officers Brady, Frias, Smyth, Welch and Padilla followed Pinnock on foot while Sergeant Williams and the other officers returned to their vehicles to assist.

**Note:** Officer Coronado mistakenly believed that a TASER was discharged on McCadden Place south of Sunset Boulevard after Pinnock abandoned the Lexus. A review of BWV determined that Officer Smyth was the only officer who had a TASER unholstered during this incident. Officer Smyth ultimately dropped that TASER onto the street approximately ten feet away from the Lexus. Officer Smyth's TASER was recovered and examined by FID. The related TASER Activation Report indicated a single, two-second, activation during this incident (Addendum No. 1).

Officer Brady reloaded the 40mm as he followed approximately 90 feet behind Pinnock. After running approximately 150 feet, Pinnock ran northeast across Sunset Boulevard to the north sidewalk. Pinnock reached the north sidewalk and ran east as Officer Brady maintained his distance approximately 90 feet behind him. Officer Brady stated he intentionally maintained this distance behind Pinnock because he was only attempting to "keep eyes on." Officer Brady believed it was important to follow Pinnock because there was a restaurant and elementary school in the direction he was fleeing.<sup>25</sup> Officer Brady was aware that Air 18 was overhead and broadcasting his location. He also believed that other officers were running with him.

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<sup>24</sup> Williams's BWV, 19:28:26.

<sup>25</sup> Brady, Page 42, Line 19.

**OIG Note No. 7:** *As described by Officer Brady, “I knew there was officers behind me. So I can hear people running behind me. I wasn’t looking back. I was just looking forward towards -- towards the suspect. But I can hear all their -- the units who responded with me, I can hear them behind me as I was running towards him.” Officer Brady also indicated that he was aware that there were “maybe 8-10 officers” on scene.*<sup>26</sup>

**Note:** As Officer Brady reached the north side of Sunset Boulevard, Officers Smyth and Frias were approximately 100 feet away on the south sidewalk. Officers Smyth and Frias stopped following Officer Brady and ran back to their police vehicle. According to Officer Smyth, he was following Pinnock in containment mode and he believed that returning to obtain his police vehicle would be a faster way to catch up to Pinnock.

**OIG Note No. 8:** *Officer Smyth was ahead of Officer Frias at the time when they discontinued their foot pursuit of Pinnock. As Officer Smyth stopped running and turned back, Officer Frias yelled, “We gotta get the car.”<sup>27</sup> Simultaneously, Officer Smyth yelled, “Hey go -- go get the --”.<sup>28</sup> In describing his rationale for discontinuing the foot pursuit, Officer Smyth explained, “I -- as I was running, it became apparent that he was quick and he was -- he was, I don’t know, maybe 60 feet. It’s hard to guesstimate, but he was going on the other side of the street itself on -- on the sidewalk, and I -- I knew that if we were doing to keep him in containment mode, we had to get a vehicle in order to keep him and so we could be faster and catch up to him.”<sup>29</sup>*

*Officer Frias independently made the same decision to return to his police vehicle. He stated that Pinnock had, at a certain point during the foot pursuit, “too much of an advantage on foot”.<sup>30</sup> Officer Frias further stated, “...I was not going to be able to apprehend him, so I run back to the police vehicle at which point once we were at the police vehicle we hear the gunshots.”<sup>31</sup>*

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<sup>26</sup> Brady, Page 44, Lines 4-16.

<sup>27</sup> Frias’s BWV, 19:28:41.

<sup>28</sup> Smyth’s BWV, 19:28:41.

<sup>29</sup> Smyth, Page 31, Lines 12-19.

<sup>30</sup> Frias, Page 7, Lines 8-9.

<sup>31</sup> Frias, Page 7, Lines 9-12.

**OIG Note No. 9:** As illustrated by this image of Officer Brady, captured by Officer Smyth's BWV moments before he and Officer Frias discontinued their involvement in the foot pursuit of Pinnock, there were no other officers with Officer Brady at that time.<sup>32</sup>



As Officers Smyth and Frias returned to their police vehicle, they passed Officer Padilla who was still running in Officer Brady's direction with Officer Welch. Officer Smyth told Officer Padilla "Hey, keep following him."<sup>33</sup>

**OIG Note No. 10:** Officers Smyth and Frias's police vehicle was parked approximately one car length away from where Pinnock crashed into Officers Padilla and Welch's police vehicle. After Officers Smyth and Frias discontinued their foot pursuit of Pinnock, it took Officer Frias approximately 16 seconds to reach the passenger side of their vehicle.<sup>34</sup> It took Officer Smyth approximately 17 seconds to run to the driver's side of the vehicle.<sup>35</sup>

Officers Padilla and Welch were approximately 200 feet behind Officer Brady as they followed him across Sunset Boulevard (Investigators' Note No. 1).

**OIG Note No. 11:** Officers Padilla and Welch had initially run to their police vehicle, intending to use it to chase Pinnock. They then realized that it was disabled as a result of being struck by the Lexus and instead began to chase Pinnock on foot. Officer Welch believed she was approximately 100 to 150 feet from Officer Brady as she ran diagonally toward him. Officer Welch also believed that Officer Padilla was running on the south sidewalk of Sunset Boulevard.<sup>36</sup>

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<sup>32</sup> Smyth's BWV, 19:28:38.

<sup>33</sup> Officers Smyth and Frias and the other officers who had returned to their vehicles were ultimately caught in traffic at the intersection of McCadden Place and Sunset Boulevard and were unable to immediately catch up with Officer Brady.

<sup>34</sup> Frias's BWV, 19:28:41-19:28:57.

<sup>35</sup> Smyth's BWV, 19:28:41-19:28:58.

<sup>36</sup> Welch, Page 11, Line 25 to Page 12, Line 25; Page 43, Lines 7-14.

While on the north sidewalk, Officer Brady observed Pinnock slow to a walk approximately 55 feet in front of him. Officer Brady believed Pinnock was about to surrender so he slowed his pace, slung the 40mm and drew his handgun to a two-handed low-ready position. Officer Brady ordered Pinnock to *“Drop the machete.”*

Officer Brady continued to follow Pinnock before Pinnock suddenly turned and began walking toward him. Officer Brady observed that Pinnock was looking at him with a blank stare and that he was exhibiting no emotion. Officer Brady pointed his handgun at Pinnock while walking backwards and ordering Pinnock to *“Stop!”* After taking approximately six steps, Pinnock ran toward Officer Brady with the machete in his right hand.



[Still images, from Officer Brady's BWV, immediately prior to the OIS]

Officer Brady walked backwards for approximately 27 feet before utilizing a two-handed grip to fire six rounds from his handgun, targeting Pinnock's center body mass.<sup>37</sup> Officer Brady fired from a decreasing distance of approximately 20 to 3 feet as he moved backwards. Officer Brady stated, the rounds did not have any effect on Pinnock.

<sup>37</sup> Officer Brady estimated that he fired six to eight rounds on the sidewalk.

Pinnock continued to charge Officer Brady with the machete in his right hand. After firing his sixth round, Officer Brady quickly moved toward an adjacent palm tree. According to Officer Brady, he did this in an effort to place a barrier between himself and Pinnock.

Officer Brady moved past the palm tree then stumbled as he stepped off the curb. As Officer Brady fell into the street, he utilized a two-handed grip to fire two additional rounds at Pinnock's center body mass from a distance of approximately three feet.<sup>38</sup>



[Image from Officer Padilla's BWV of Pinnock prior to Officer Brady's second volley]

Officer Brady fell forward onto the street and rolled onto his back as Pinnock ran up to him and raised the machete above his head. Officer Brady stated that when he looked up, he observed Pinnock standing over him and believed he was about to strike him in the face with the machete. Officer Brady held his pistol in his right hand and fired four rounds at Pinnock's center body mass from a distance of approximately two feet.<sup>39</sup>

**OIG Note No. 12:** *In describing Pinnock's position during this final volley of gunfire, Officer Brady recounted, "Like from what I remember, he was literally right on top of me. Like his legs were in between my legs. And then at this point, I saw he had the machete, and he raised the machete. [...] But so he's on top of me but his blood was like going all over my face,*

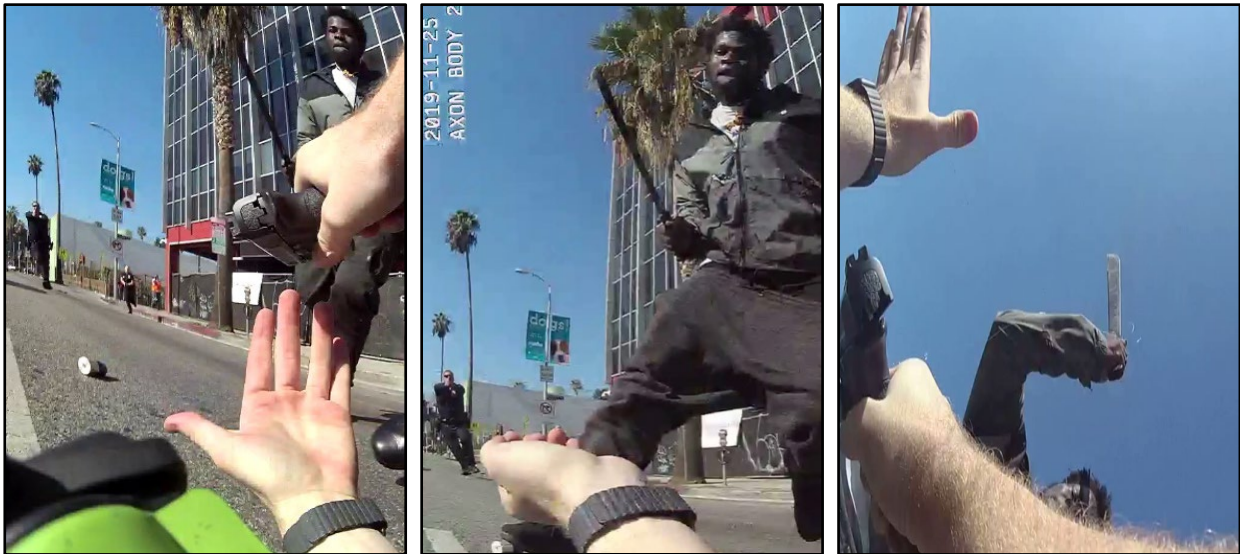
<sup>38</sup> Officer Brady believed he may have fired one shot while transitioning from the sidewalk to the street.

<sup>39</sup> Officer Brady estimated that he fired two or three rounds as Pinnock stood over him.



so I had to kind of turn. His face was bloody so when he -- when he's above me, it was all on my face, so I turned my face. And in close quarter, I shot like two or three times, and that's when I heard I think another two or three shots as (UNINTELLIGIBLE) he was coming down, and that's when he collapsed.”<sup>40</sup>

**OIG Note No. 13:** When asked whether he assessed the effectiveness of his gunfire on Pinnock between the rounds that he fired, Officer Brady responded, “After – after every shot I was assessing to see if he would drop the machete or stop or if the threat would stop or slow down at all. [...] Nothing was working.”<sup>41</sup>



[Images taken from Officer Brady's BWV footage at the approximate time he fired his final four rounds]

Officer Padilla closed within approximately 60 feet of Officer Brady when Officer Brady began firing at Pinnock. As he approached, Officer Padilla, unholstered his handgun and observed Officer Brady fall onto Sunset Boulevard while Pinnock pursued him with the machete.

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<sup>40</sup> Brady, Page 58 Line 17 to Page 59, Line 5.

<sup>41</sup> Brady, Page 52, Lines 9-13.



**[Still images taken from Officer Padilla's BWV immediately prior to the time he fired his two rounds]**

Simultaneous to Officer Brady's final volley, Officer Padilla observed Pinnock standing over Officer Brady with his machete raised in the air. In an effort to save Officer Brady's life, Officer Padilla utilized a two-handed grip to fire two rounds, targeting the middle of Pinnock's back, from a decreasing distance of approximately 20-15 feet.<sup>42</sup>



**[Images taken from Officer Padilla's BWV at the approximate time he fired his two rounds]**

<sup>42</sup> Officer Padilla believed he fired his rounds from a stopped position. A review of the BWV footage revealed Officer Padilla was still moving toward Pinnock when he fired his handgun.

**OIG Note No. 14:** *Officer Welch had moved south at this time, back into the traffic lanes of Sunset Boulevard, and she was preparing to discharge her firearm at Pinnock. However, Pinnock collapsed before she could fire her weapon. Officer Welch was unaware that Officer Padilla had discharged his firearm.*<sup>43</sup>

Pinnock collapsed onto Sunset Boulevard next to Officer Brady with the machete under him. Officer Brady, who was uninjured, stood up, positioned himself next to Officer Padilla who was covering Pinnock with his handgun from approximately five feet away. Officer Brady's BWV camera was knocked off when he fell onto the roadway. The camera continued recording at an upward angle. Upon becoming aware that his camera had fallen off, he re-attached it approximately two minutes later.



**[Image taken from Officer Brady's BWV immediately after the OIS]**

**Note:** Officers Padilla and Zipperman mistakenly believed that Officer Brady discharged a beanbag shotgun at Pinnock, while following him on the north sidewalk of Sunset Boulevard, immediately prior to the OIS. Both officers described this happening around the time that Officer Brady

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<sup>43</sup> Welch, Page 14, Lines 16-20; Page 46, Lines 12-16.



slung the 40mm and transitioned to his handgun. A review of BWV determined that Officer Brady was never armed with a beanbag shotgun and that he only discharged the 40mm once while on McCadden Place.

[...]

Immediately after the OIS, Officers Coronado, Anderson and Welch joined Officers Brady and Padilla. Officer Coronado unholstered his handgun and covered Pinnock while, Officer Anderson utilized the police radio to request a Rescue Ambulance (RA) for Pinnock.<sup>44</sup>

The officers were joined by Sergeant Williams and Officers Anaya and Martinez. Sergeant Williams directed officers to don gloves and handcuff Pinnock. Officer Anaya donned gloves while Officer Martinez unholstered her handgun and covered Pinnock.<sup>45</sup>

At approximately 1130 hours, while Officers Coronado and Martinez provided lethal cover, Officers Tatum and Anaya rolled Pinnock off of the machete and onto his stomach. Officer Anaya used his gloved left hand to move the machete approximately three feet away from Pinnock.<sup>46</sup> Officers Anaya and Tatum completed handcuffing before Officer Anaya searched Pinnock for weapons; none were found.

At 1131 hours, Pinnock was rolled onto his back and Officer Anaya started Cardiopulmonary Resuscitation (CPR) after determining he did not have a pulse.

At 1135 hours, Los Angeles Fire Department (LAFD) Engine 27, staffed by Captain Alexander Gonzalez, Engineer Tyler Varnum and Firefighters (FFs) Jonathan Culhane and Kevin Vasquez arrived at scene. Firefighters Gonzalez and Culhane relieved Anaya and continued providing CPR to Pinnock.

At 1137 hours, LAFD RA 27, staffed by Firefighter/Paramedics (FFPMs) Ryan Beltran and Scott Luft, arrived at scene and assisted FFs Culhane and Vasquez with Pinnock's care. Pinnock was subsequently transported to Cedars-Sinai Medical Center (CSMC) at 1146 hours.

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<sup>44</sup> Force Investigation Division investigators determined Officer Anderson's RA request occurred while Air 18 was broadcasting and was not received by CD. Nineteen seconds later, at 1129:29, TFO Zipperman made a second RA request which was received by CD.

<sup>45</sup> Officer Welch unholstered her pistol at multiple points during this incident. The last time she unholstered was on the north sidewalk of Sunset Boulevard when she observed Pinnock charging Officer Brady with the machete in his hand. Additionally, Officers Tatum, Frias, Dominguez and Choi unholstered their handguns at different times during this incident. Their rationale for doing so is addressed in their respective transcripts.

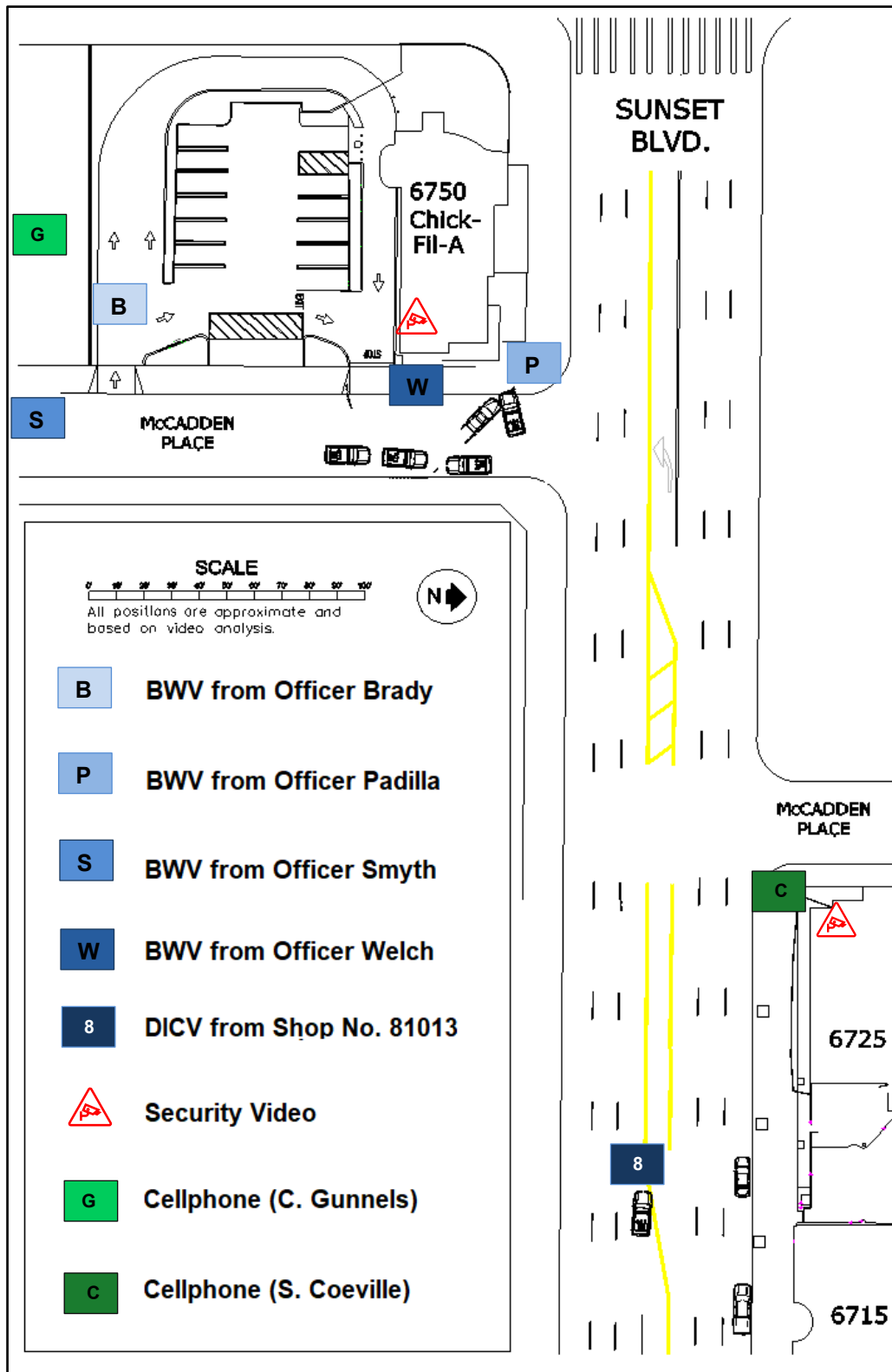
<sup>46</sup> This distance was estimated by FID investigators with the use of BWV footage.

At approximately 1154 hours, Pinnock arrived at CSMC and was transferred into the care of Doctor James Fishkin. After attempting lifesaving medical treatment, Doctor Fishkin declared Pinnock deceased at 1217 hours (Addendum No. 2).

Force Investigation Division Detective II Douglas Johnson, Serial No. 37738, reviewed all documents and circumstances surrounding the separation, monitoring, and the admonition not to discuss the incident prior to being interviewed by FID investigators (Addendum No. 3).

[...]

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## Scene Description

### The Chick-fil-A restaurant located at 6750 Sunset Boulevard

Officer Smyth discharged his TASER while Pinnock was inside of the drive-through area of the Chick-fil-A parking lot. The drive-through area consists of a single lane where vehicles can pull alongside a sliding window to collect food before driving east onto McCadden Place. The drive-through lane is approximately 12 feet in width and is bordered by the Chick-fil-A restaurant to the north and a planter box on the south. The planter box is constructed of dirt between 6-inch cement curbs and contains small trees and bushes that separate the drive-through area from the main parking lot. The area where the tasing occurred was approximately 80 feet west of McCadden Place.



[An east-facing view of the Chick-fil-A drive-through with red star indicating the location of the tasing]

## **McCadden Place south of Sunset Boulevard**

Officer Frias discharged a beanbag shotgun and Officer Brady discharged a 40mm on McCadden Place south of Sunset Boulevard. McCadden Place is a north/south roadway that is approximately 30 feet wide, with concrete sidewalks on the east and west sides of the roadway that are approximately 10 feet wide. McCadden Place is joined by Sunset Boulevard to the north and De Longpre Avenue to the south.

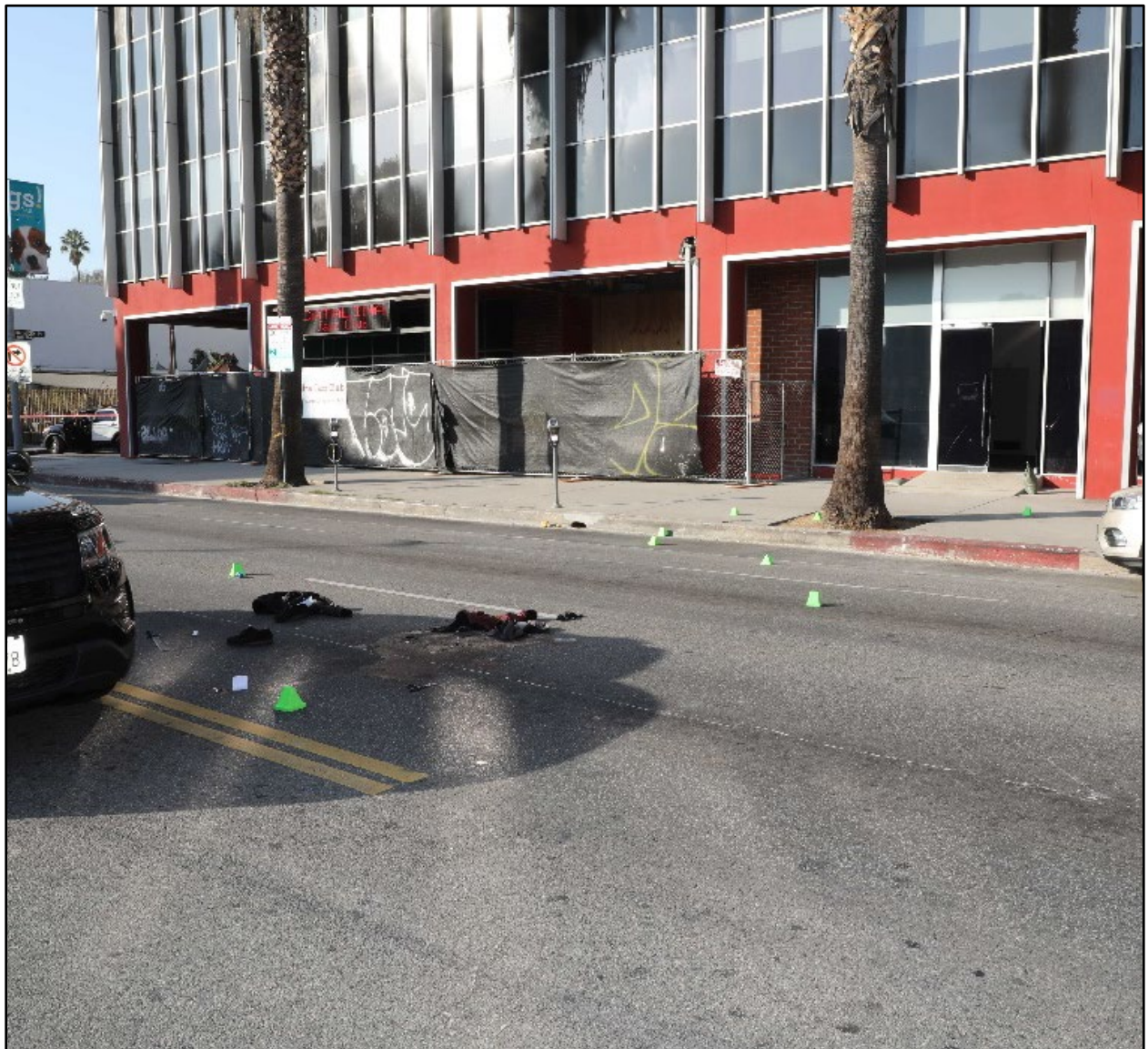


**[A north-facing photograph of McCadden Place south of Sunset Boulevard]**



## **The sidewalk and roadway south of 6725 Sunset Boulevard**

Officer Brady fired his handgun on the sidewalk and roadway area in front of 6725 Sunset Boulevard. Officer Padilla fired his handgun while in the roadway south of 6725 Sunset Boulevard. Sunset Boulevard is an east/west roadway with seven lanes of traffic that measure approximately 70 feet wide, with concrete sidewalks on the north and south sides of the roadway that measure approximately 15 feet wide and 16 feet wide respectively. The 6700 block of Sunset Boulevard is bordered by McCadden Place to the west and Las Palmas Avenue to the east. This section of Sunset Boulevard is a business district that contained an office building to the north and a motel to the south.



**[A northwest facing photograph of the area in front of 6725 Sunset Boulevard]**

## Canvass for Witnesses

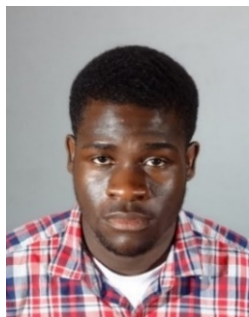
On November 26, 2019 and December 04, 2019, FID investigators canvassed 6725 Sunset Boulevard for witnesses to the OIS. Unless otherwise noted, the statements of all witnesses were recorded, transcribed, and are contained in this report.

When interviewed by FID investigators, Witness Roberto Espinoza Gonzalez indicated that he heard a crash on McCadden Place, saw Pinnock exit the Lexus and then heard three or four shots followed by a second crash. He further described the shots as sounding like they came from a “shotgun” or “rubber bullets.”<sup>47</sup> A review of BWV confirmed that only two less lethal rounds were discharged during this incident. Both rounds were discharged on McCadden Place after Pinnock exited the Lexus.

When interviewed by FID investigators, Daniel Bocanegra’s account of the incident was found to contain numerous mistaken recollections when compared to BWV footage of the incident. As such, Mr. Bocanegra’s account of this incident was not included in this summary. Potentially conflicting portions of Mr. Bocanegra’s transcribed statement have been highlighted in yellow and may be accessed by clicking the following hyperlink (Witness Daniel Bocanegra).

On December 16, 2019, FID investigators independently interviewed Nathaniel Pinnock’s mother, Terry Anne Gayle, and sister, Krysannia Gayle. Krysannia stated, her brother had recently begun isolating himself from family. During the summer of 2019, Pinnock moved out of the family home and began living in his car somewhere in the Hollywood area. Krysannia noticed that Pinnock was not acting normally and told investigators that he believed unknown people were “after” him and had recently attempted to poison him. The sudden change in Pinnock’s behavior caused Krysannia to question her brother’s sanity.<sup>48</sup> Krysannia told investigators that she last had contact with her brother on Sunday, November 24, 2019, when he sent her a text message asking for money to purchase a car battery. Krysannia sent Pinnock the money on Sunday afternoon, but never heard from him again (Issues and Concerns No. 1).

## Suspect Information



Nathaniel Robert Pinnock was a male, Black, with black hair and brown eyes. At the time of the incident he was six feet tall, weighed 200 pounds, and had a date of birth of May 25, 1997.

Pinnock’s CII Number, A36846418, indicated he had a single prior arrest for solicitation of prostitution. Pinnock had no prior contact with the Mental Evaluation Unit, no known gang affiliation and was not on parole or probation at the time of this incident (Addendum No. 4).

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<sup>47</sup> Roberto Espinoza Gonzalez, Page 5, Lines 7-9.

<sup>48</sup> Krysannia Gayle, Page 37, Lines 6-20.

As a result of this investigation, the following Investigative Reports (IRs) were taken listing Pinnock as the suspect. Each report has been digitized and included as addenda to this report:

<b>Investigative Report Title</b>	<b>Victim</b>	<b>DR No.</b>	<b>Hyperlink</b>
Robbery	AutoZone	1906-22821	Addendum No. 5
Carjacking	Mark Becerra	1906-22838	Addendum No. 6
Attempted Murder	Officer Brady	1906-22885	Addendum No. 7

## **Injuries**

During this incident, Officer Brady sustained a contusion to his right knee and abrasions to his left elbow, left hand and left palm. Additionally, Officer Brady was exposed to Pinnock's blood when it fell onto his face, hands and uniform. Officer Brady was decontaminated by other officers before being further decontaminated and medically treated by the LAFD. Officer Brady declined to be transported to the hospital.

At 1131 hours, Officer Anaya started CPR after determining Pinnock did not have a pulse.

At 1135 LAFD relieved Officer Anaya and continued providing CPR to Pinnock. Firefighter Culhane assessed Pinnock and determined him to be unconscious with gunshot wounds to the head, neck, forearm and thigh. Pinnock was subsequently transported, by RA No. 27, to CSMC where he was transferred into the care of Doctor Fishkin. After attempting lifesaving medical treatment, Doctor Fishkin declared Pinnock deceased at 1217 hours.

## **Evidence**

Forensic Science Division (FSD) Firearms Analysis Unit (FAU) Supervising Criminalist Julia Wilkinson, Serial No. N4403, Criminalist III Brian Reinartz, Serial No. N5624, Criminalists II Annette Woiwode, Serial No. N4427, John Flores, Serial No. N6278, and Criminalist I Tracy Ng, Serial No. N4952, responded to this incident and processed the crime scene (Addendum No. 8).

A total of 70 items of evidence were recovered and booked in conjunction with this investigation, including a 24-inch machete (Item No. 34), and a car battery (Item No. 42) (Addendum No. 9) (Investigators' Note No. 2).

On December 12, 2019, Detective Johnson responded to the Los Angeles County Coroner's Office and took custody of the following items: Coroner's kit (Item No. 6), fingernail kit (Item No. 7), hair kit (Item No. 8), blood stain card (Item No. 9) and a projectile kit (Item No. 33). Detective Johnson booked Items No. 6-9 at Central Property



Section and provided Item No. 33 to Criminalist Woiwode who booked it at the Forensic Science Center (FSC).

## **Coroner's Investigation**

### **Coroner's Response**

On November 25, 2019, at 2031 hours, FID Sergeant II Jess Falk, Serial No. 38231, reported Pinnock's death to the County of Los Angeles Department of Medical Examiner-Coroner; Pinnock's death was subsequently assigned Coroner Case No. 2019-08891.

On November 26, 2019, at 1102 hours, Pinnock's remains were transported from CSMC to the FSC by Forensic Attendant Francisco Ngayen. Once at the FSC, Ngayen collected a hair kit, fingernail kit and a gunshot residue kit. The resulting evidence was booked, by Ngayen, at the FSC.

### **Autopsy**

On November 27, 2019, Deputy Medical Examiner Matthew Miller, performed a post-mortem examination of Pinnock's remains. Detective Johnson and FID Detective III Anthony Rheault, Serial No. 33961, and Los Angeles County District Attorney Investigators Quinn Fenwick and Susan Franco were present during the examination. Doctor Miller's findings were documented in Autopsy Report No. 2019-08891 (Addendum No. 10).

Doctor Miller classified the manner of death as Homicide and ascribed the cause to gunshot wounds. Doctor Miller identified nine gunshot wounds and numbered them as indicated below.

**Gunshot Wound No. 1** entered Pinnock's left temple. The bullet had a trajectory from left to right and slightly upward. A copper-jacketed projectile was recovered from the right side of Pinnock's brain. There was no exit wound. This gunshot wound was rapidly fatal.

**Gunshot Wound No. 2** entered the back of Pinnock's neck. The bullet had a trajectory from back to front, right to left and upward. A copper-jacketed projectile was recovered from the left side of Pinnock's face. There was no exit wound. This gunshot was potentially, rapidly, fatal.

**Gunshot Wound No. 3** entered the left side of Pinnock's chest and exited the top of his left shoulder. The bullet had an upward trajectory.

**Gunshot Wound No. 4** entered and exited Pinnock's left arm before entering the left side of his chest. The bullet had a trajectory from right to left. A copper-jacketed projectile was recovered from the left side of Pinnock's lower chest/upper abdomen.

**Gunshot Wound No. 5** entered and exited Pinnock's left wrist. The bullet had a trajectory of back to front and downward.

**Gunshot Wound No. 6** entered and exited Pinnock's left hand before entering Pinnock's left forearm. The bullet had a trajectory from back to front and upward. A copper-jacketed projectile was recovered from the soft tissue near Pinnock's left elbow.

**Gunshot Wound No. 7** grazed Pinnock's left forearm. There was no entry or exit wounds associated with this injury. Doctor Miller was unable to determine trajectory for this gunshot wound.

**Gunshot Wound No. 8** entered Pinnock's right forearm. The bullet had a trajectory from front to back. A copper-jacketed projectile was recovered from Pinnock's right forearm.

**Gunshot Wound No. 9** entered and exited Pinnock's right thigh. The bullet had a trajectory of front to back, upward and rightward.

During the examination, Doctor Miller also documented a semicircular abrasion across the front of Pinnock's neck and abrasions to the right side of Pinnock's chest and right forearm. Doctor Miller did not render an opinion as to the cause of these abrasions.

***OIG Note No. 15:** At the request of FID, Doctor Miller looked for injuries to Pinnock's body that were consistent with taser darts, but he did not identify any.*

### **Toxicology:**

On December 24, 2019, a Laboratory Analysis Summary Report was approved by the Los Angeles County Department of Medical Examiner-Coroner, Supervising Criminalist Sarah Buxton de Quintana. The analysis documented that cannabinoids were present in Pinnock's blood at the time of his death (Addendum No. 11).

### **Weapons**

**Pinnock's** machete had an overall length of 24 inches. The blade was 18 inches long and partially serrated across the upper edge. Criminalists Woiwode and Ng recovered the machete from the street in front of 6725 Sunset Boulevard, adjacent to where Pinnock collapsed.



[Evidence Photograph of Pinnock's Machete]

**Officer Brady** was armed with his Department-issued Smith & Wesson Model M&P 9, 9mm semiautomatic pistol.<sup>49</sup> According to Officer Brady, at the time of the OIS, the pistol was loaded to capacity with 18 rounds of ammunition. One round was in the firing chamber and seventeen rounds were in the magazine. The pistol was carried in a Department-approved holster.

On November 25, 2019, at approximately 1742 hours, FID Detective II Timo Illig, Serial No. 36893, conducted a post-incident examination of Officer Brady's pistol. He determined the pistol was loaded with six rounds of Department-approved, Speer G2, 9mm ammunition.

One round was in the firing chamber and five rounds were in the magazine. Officer Brady possessed two additional magazines which were loaded to capacity with 17 rounds of the same Department-approved ammunition. Twelve discharged cartridge cases were collected near Officer Brady's various firing locations at the scene of the OIS. This information was consistent with Officer Brady having fired 12 rounds during the OIS.

On January 27, 2020, Firearm Examiner Srinivasan Rathinam, Serial No. N3851, finalized a report documenting the test firing of Officer Brady's pistol. The pistol was found to be functional, and the trigger pull value was within the Department's established range (Addendum No. 12).

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<sup>49</sup> According to the Firearm Inventory Tracking System (FITS), this pistol was issued to Officer Brady on December 29, 2015.

**Officer Padilla** was armed with his Department-issued Glock Model 17, 9mm semiautomatic pistol.<sup>50</sup> According to Officer Padilla, at the time of the OIS, the pistol was loaded to capacity with 18 rounds of ammunition. One round was in the firing chamber and seventeen rounds were in the magazine. The pistol was carried in a Department-approved holster.

On November 25, 2019, at approximately 1815 hours, Detective Illig, conducted a post-incident examination of Officer Padilla's pistol. He determined the pistol was loaded with sixteen rounds of Department-approved, Speer G2, 9mm ammunition.

One round was in the firing chamber and fifteen rounds were in the magazine. Officer Padilla possessed two additional magazines which were loaded to capacity with 17 rounds of the same Department-approved ammunition. Two discharged cartridge cases were collected near Officer Padilla's firing location at the scene of the OIS. This information was consistent with Officer Padilla having fired two rounds during the OIS.

On January 24, 2020, Firearm Examiner Genaro Arredondo, Serial No. N4417, finalized a report documenting the test firing of Officer Padilla's pistol. The pistol was found to be functional, and the trigger pull value was within the Department's established range (Addendum No. 13).

### **Firearms Analysis**

On February 11, 2020, FSD, FAU Criminalist I Trisha Ariyasu, Serial No. N4729, finalized a Type and Caliber report. Criminalist Ariyasu examined the fired bullet and 14 discharged cartridge cases that were recovered from the scene and the five fired bullets that were recovered during the autopsy (Addendum No. 14).

Criminalist Ariyasu concluded that the following items were fired in Officer Brady's pistol:

<b>Item Nos.</b>	<b>Description</b>	<b>Location recovered</b>
24	Fired bullet	Sidewalk area
33A	Fired bullet	Pinnock's right forearm
33D	Fired bullet	Pinnock's left chest/abdomen
33E	Fired bullet	Pinnock's left elbow
17-20	Discharged cartridge case	Sidewalk area
12-16 and 21-23	Discharged cartridge case	Street area

Criminalist Ariyasu concluded that the following items were fired in Officer Padilla's pistol:

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<sup>50</sup> According to FITS, this pistol was issued to Officer Padilla on November 1, 2011.

Item Nos.	Description	Location recovered
33B	Fired bullet	Pinnock's brain
33C	Fired bullet	Pinnock's face
10	Discharged cartridge case	Street area
11	Discharged cartridge case	Street area

On April 01, 2020, Criminalist Reinarz finalized a Bullet Path Analysis Report. Criminalist Reinarz identified three bullet pathways on the south side of 6725 Sunset Boulevard and a single bullet pathway near the southwest corner of 6715 Sunset Boulevard.

#### **6725 Sunset Boulevard**

Pathway A was determined to be consistent with a bullet traveling from south to north, west to east, and in an upward direction.

Pathway B was determined to be consistent with a bullet traveling from south to north and west to east, then deflecting slightly at B, continuing from south to north and deflecting east to west at B1. No further direction could be determined due to the condition of the impact.

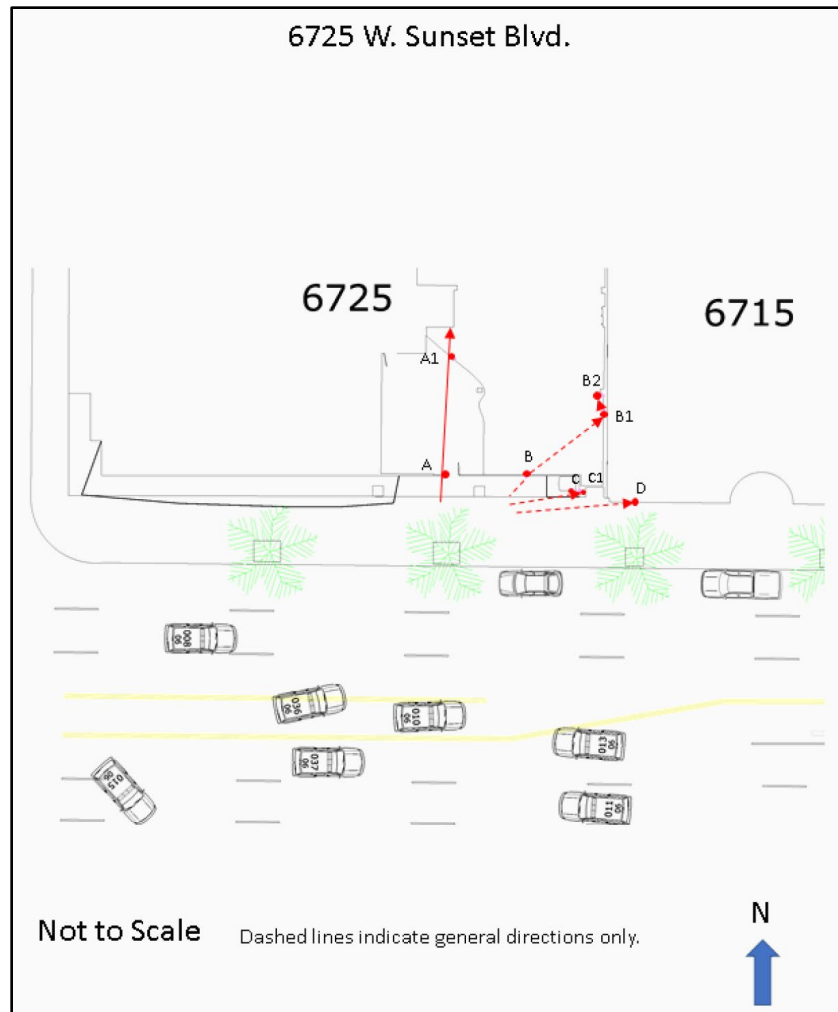
Pathway C was determined to be consistent with a bullet traveling from south to north and west to east. No further direction could be determined due to the condition of the impact.

#### **6715 Sunset Boulevard**

Pathway D was determined to be consistent with a bullet traveling from south to north, west to east and in a downward direction.

These pathways were consistent with the direction of the rounds that were fired by Officer Brady during this incident (Addendum No. 15).

[This space intentionally left blank.]



[Bullet path diagram completed by Criminalist Reinartz]

## Vehicles

The Lexus sedan was registered to Mark Becerra, the victim of the carjacking. Inside of the vehicle, was a car battery and a zippered satchel containing a cellular phone and various items in Pinnock's name, that had been discarded on the right front floorboard. The vehicle was processed and returned to Becerra on November 25, 2019.

Multi-Disciplinary Collision Investigation Team (MCIT) Police Officer III Jahna Rinaldi, Serial No. 30575, responded to this incident and performed a Crash Data Retrieval examination on the Lexus. Officer Rinaldi determined that Pinnock drove the Lexus at total of 155.3 feet and reached a top speed of 22.4 miles per hour. As Pinnock fled in the Lexus, he struck a cement curb in the Chick-fil-A parking lot and two, unoccupied, LAPD black and white police vehicles (Addendum No. 16).<sup>51</sup>

<sup>51</sup> Shop Nos. 81036, 81015 and 80484 were marked, black and white, Ford Explorers. Shop No. 81036 was initially struck by the Lexus which caused it to subsequently collide with Shop 81015. Shop 80484 was the last vehicle struck prior to Pinnock abandoning the Lexus and fleeing on foot.

## Visual Documentation

### Digital In-Car Video System (DICVS)

Force Investigation Division investigators identified the DICVS videos of nine vehicles as being related to this incident. The DICVs videos of the officers noted in this administrative summary were reviewed in detail.

### Body Worn Video (BWV)

Force Investigation Division investigators identified the BWVs of 55 officers as being related to this incident. The BWVs of the 17 officers noted in this administrative summary were reviewed in detail (Issues and Concerns No.2).

The BWVs of the remaining 38 officers were inspected and determined not to have captured the OIS or have any other apparent value to this investigation. These BWVs have been tagged in Evidence.com under Incident No. 19112500002104 and remain available for review by the involved command.

### Outside Video

Ten, non-Department, videos were obtained by FID investigators during this investigation. Each of those videos were reviewed in detail and vaulted at TID Electronics Section under Control No. A758000 for future reference. Three of the videos were deemed not pertinent as they did not capture images of the suspect or images of officers interacting with the suspect. The seven remaining videos fell into the following categories:

Source	Pre-OIS	OIS	Post-OIS
Citizen Witness Leyre Granda (cellular phone)			X
Citizen Witness Steven Coeville (cellular phone)		X	
Citizen Witness Panos Simonian (cellular phone)	X		
Citizen Witness Clinton Gunnels (cellular phone)	X		
Citizen Witness Christopher Angulo (cellular phone)	X		
Security cameras attached to 6725 Sunset Boulevard		X	X
Security cameras attached to the Chick-fil-A restaurant	X		

Following this incident, there were multiple news stories that aired on local news channels and network television. The videos contained in those news clips were determined to be portions of cell phone video that had been previously collected by FID investigators.

### Other Department Video

No other Department video was located.

## Social Media

Police Officer II John Sewell, Serial No. 36614, assigned to FID's Cyber Unit, monitored social media sites, from the date of the incident until the submission of this investigative report. No relevant social media posts were found.

## Photographs

On November 25, 2019, Hollywood Area, Detective III Shannon Geaney, Serial No. 35012, photographed Officer Brady prior to him being medically treated. The digital photographs were transferred to FID on the date of the incident and are stored under Control No. 0797572.

On November 25, 2019, TID Photographer III Harry Sarkisian, Serial No. N3442, photographed the AutoZone, the Chick-fil-A, and the area where the OIS occurred. The photographs are stored under Control No. 0771429.

On November 25, 2019, TID Photographer III Gary Glade, Serial No. V9606, photographed Pinnock's remains, in addition to Officers Frias and Smyth. Additionally, Photographer Glade photographed Officers Padilla and Brady. The photographs are stored under Control Nos. 0771364 and 0769211 respectively.

On December 03, 2019, TID Photographer III Jean Fukaye Mochizuki photographed items of evidence including Pinnock's clothing and machete. The photographs are stored under Control No. 0620631.

[...]

## Issues and Concerns

1. While interviewing Krysannia Gayle, FID investigators learned that she visited the Hollywood Area Community Police Station on November 29, 2019 and attempted to file a missing person report via the front desk. According to Gayle, the front desk officer did not complete a missing person report because he believed it was possible that Pinnock was just avoiding his family and not actually missing. This information was provided to the concerned Office Director by Force Investigation Division Captain III Al Pasos, Serial No. 25501.
2. The BWVs of the officers included in this administrative summary were reviewed for activation details; the following results were found:

Camera	Buffer Length	Late Activation
Police Officer II Jose Frias, Serial No. 39871	<b>0 seconds</b>	
Police Officer II Taylor Smyth, Serial No. 41595	<b>0 seconds</b>	
Sergeant I Jerry Williams, Serial No. 39581	<b>9 seconds</b>	
Police Officer I Destini Anderson, Serial No. 43880	<b>37 seconds</b>	



Police Officer III Heriberto Coronado, Serial No. 38985	<b>43 seconds</b>	
Police Officer III Cuitlahuac Dominguez, Serial No. 39042	<b>Full Buffer</b>	<b>X</b>
Police Officer I Chris Choi, Serial No. 44001	<b>Full Buffer</b>	<b>X</b>
Police Officer II David Anaya, Serial No. 40012	<b>Full Buffer</b>	<b>X</b>

On June 10, 2020, Force Investigation Division Command notified the involved Area, Bureau and Office of Operations of the results of the video activations.

### **Investigators' Notes**

1. After returning to their respective police vehicles when Pinnock fled onto Sunset Boulevard, Officers Frias and Holguin indicated that they placed their loaded beanbag shotguns on the passenger side floorboard while responding to assist. Officer Frias was aware that his safety was off and Officer Holguin did not recall the position of his safety. Both officers left the weapons unsecured in unlocked police vehicles upon their arrival to Sunset Boulevard.
2. While processing the crime scene for evidence, FID investigators located an expended Super-Sock hull (Item No. 26) from the area between the hood and windshield of Shop No. 81013. Officers Tatum and Vasquez brought Shop No. 81013 to the scene when they responded to the back-up request, from Hollywood Station. The officers were in the process of loading their vehicle and the time of this incident and had not yet completed their pre-watch inspection of the shop. Additionally, the officers were not equipped with a beanbag on the date of this incident. The investigation determined that on November 23, 2019, at approximately 0600 hours, Shop No. 81013 was present at the termination of a vehicle pursuit where officers discharged six Super-Sock rounds to shatter the suspect vehicle's rear window. After reviewing all associated BWV footage, FID investigators determined that Item No. 26 is not related to this incident.

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## **CHIEF OF POLICE REPORT**<sup>52</sup>

### **Chief of Police Findings**

**Tactics** – Administrative Disapproval, Officers Smyth and Holguin. Tactical Debrief, Sergeant Williams, along with Officers Brady, Padilla, Welch, Frias, Anaya, Martinez, Coronado, and Dominguez.

**Drawing/Exhibiting** – In Policy, No Further Action, Officers Brady, Padilla, Welch, Frias, Smyth, Anaya, Martinez, Coronado, and Dominguez.

**Less-Lethal Use of Force** – In Policy, No Further Action, Officers Brady, Frias, and Smyth.

**Lethal Use of Force** – In Policy, No Further Action, Officers Brady and Padilla.

### **Chief of Police Analysis**

#### **Detention**

- Officers from Hollywood Patrol Division responded to a radio call of a robbery suspect armed with a machete. The patrol officers responded to the area of the crime and observed the suspect, Pinnock, walking on the sidewalk armed with a machete and in possession of the stolen battery described in the robbery radio call. Officers attempted to establish verbal contact with Pinnock and have him drop the machete and surrender, however, Pinnock was non-compliant and unresponsive. Pinnock moved west on foot armed with the machete into the driveway of Chick-fil-A, as officers immediately began following behind him in an effort to maintain visual contact. Pinnock approached a black Lexus sedan located adjacent to the drive-through window and made entry into the Lexus in an attempt to steal it. Officers closed distance with Pinnock and the Lexus sedan. They provided Pinnock verbal commands to stop and drop his weapon, and utilized less-lethal force options prior to Pinnock gaining control of the vehicle. Pinnock was non-compliant, told the officer to shoot him, and attempted to flee in the stolen vehicle, leading to Pinnock colliding with multiple police vehicles parked on the street.

Officers followed Pinnock a short distance to where he had collided with the police vehicles and observed Pinnock exit the stolen Lexus armed with his machete. Officers again utilized less-lethal force options in an attempt to stop Pinnock, however Pinnock continued to be armed, non-compliant, and uncooperative. Pinnock fled on foot armed with the machete, as officers followed him on foot to maintain visual contact and contain him. Pinnock suddenly stopped, turned and aggressively charged an officer, leading to an OIS. The actions of detaining and taking Pinnock into custody during this incident were appropriate and within Department policies and procedures.

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<sup>52</sup> The information provided in this section summarizes the analysis and findings set forth in the Chief of Police's report for this case.

## Tactics

- Department policy relative to a Tactical Debrief is: *“The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance.”*

Department policy relative to Administrative Disapproval is: *“A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training” (Los Angeles Police Department Manual, Volume 3, Section 792.05).*

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

## Tactical De-Escalation

- *Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.*

### Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication (Los Angeles Police Department, Use of Force - Tactics Directive No. 16, Tactical De-Escalation Techniques, October 2016).*

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

**Planning** – Officers Dominguez and Choi were the first officers to observe Pinnock and immediately updated CD of their location and that Pinnock was armed with a machete. Officer Dominguez positioned his police vehicle approximately 100 feet south of Pinnock on McCadden Place and utilized the PA in his police vehicle to order Pinnock to drop the machete. Officer Dominguez maintained his distance and utilized time and distance to attempt to verbally de-escalate the situation, while waiting for additional units to arrive. Officers Smyth and Frias arrived shortly

thereafter and spoke briefly to Officer Dominguez who advised them of the Pinnock's location, as well as that he was armed with a machete. Officer Smyth and Frias swiftly made the tactical plan to drive past Pinnock and position their police vehicle north of Pinnock in an effort to contain Pinnock and prevent him from proceeding to Sunset Boulevard where they knew there was heavy pedestrian and vehicle traffic. Officer Smyth exited his vehicle and directed Pinnock to drop his machete, but Pinnock refused to comply. Officer Frias deployed his Beanbag Shotgun as the less-lethal cover officer due to Pinnock being armed with a machete and believed it would be an effective tool in de-escalating the encounter.

The UOFRB noted Officer Smyth and Frias' articulated intention to contain Pinnock and prevent him from becoming a further threat to the community by proceeding to a high pedestrian and vehicle traffic area on Sunset Boulevard. However, the UOFRB was critical of the tactical positioning of Officers Smyth and Frias' police vehicle and would have preferred Officers Smyth and Frias maintain an appropriate distance while following Pinnock and utilizing their vehicle as cover.

Officer Anaya and Martinez discussed their roles prior to their arrival at scene. Officer Anaya would be designated as the less-lethal cover officer and Officer Martinez as the lethal cover officer. Once they arrived at scene, Officer Anaya deployed his 40mm LLL in maintaining his role as the less-lethal cover officer and due to Pinnock being armed with a machete. Additionally, Officer Holguin while enroute to the radio call advised Officer Brady that he would be deploying their Beanbag Shotgun, due to the nature of the radio call and Pinnock being armed with a machete. Upon their arrival at scene, Officer Holguin deployed his Beanbag Shotgun, and assumed the role of a less-lethal cover officer.

The UOFRB noted that it was Officers Brady and Holguin's first day working together; however, the UOFRB was critical of Officers Brady and Holguin's lack of discussion regarding tactical planning and communication regarding contact and cover roles, foot pursuits, separation, and general tactical concepts related to suspects armed with edged weapons. The UOFRB considered that Officers Brady and Holguin had responded to a radio call prior to their response to this incident and had sufficient time to discuss basic tactical concepts.

Officer Anaya modified the tactical plan as he followed behind Pinnock who had proceeded into a crowded Chick-fil-A drive-through and assumed the role of a lethal cover officers as he transitioned to the point officer closest to Pinnock. While providing lethal cover, Officer Anaya passed his 40mm LLL to Officer Brady and directed Officer Brady to utilize the 40mm LLL to prevent Pinnock's aggressive actions as Pinnock began committing a carjacking. Officer Brady received the 40mm LLL from Officer Anaya and assumed the role of a less-lethal cover officer.

The UOFRB acknowledged that the tactical situation was dynamic, rapidly evolving and compounding, which did not allow sufficient time for thorough tactical planning by the officers on scene. Officers had seconds to make a variety of consecutive

decisions as a group. The UOFRB considered that various officers arrived on scene at different times throughout the incident and Pinnock's erratic and dangerous actions forced officers to react quickly without the opportunity to devise detailed tactical plans as the tactical situation was constantly shifting.

**Assessment** – Upon his arrival at scene, Officer Dominguez and his partner assessed the tactical situation and utilized their police vehicle to maintain their distance from Pinnock who was armed with a machete. Officer Dominguez provided pertinent information to CD and additional responding officers by broadcasting Pinnock's location and that he was armed with a machete. Officers Smyth and Frias assessed the tactical situation upon their arrival at scene and made the tactical decision to utilize their police vehicle to move ahead of Pinnock to contain him from proceeding to Sunset Boulevard where he could potentially endanger more community members.

Officers Anaya and Martinez observed Pinnock fail to comply with commands to stop and drop his machete and assessed that Pinnock was an immediate threat to the community as Pinnock proceeded in a westerly direction into the Chick-fil-A drive-through. Officer Anaya made the tactical decision to follow Pinnock into the drive-through and keep visual contact with Pinnock. Officers Anaya and Martinez as well as Officers Brady, Holguin, Coronado, Smyth, and Frias all observed Pinnock approach a black Lexus sedan, gain entry, and begin committing a carjacking. Officers assessed the tactical situation, observed an immediate threat to a community member and closed distance on the black Lexus sedan.

Officer Smyth, while approaching the black Lexus sedan, assessed the tactical situation and made the decision to move to the driver's side of the black Lexus sedan in the event Pinnock fled along the south wall the Chick-fil-A. The remaining officers proceeded to position themselves on the passenger side of the black Lexus sedan. While on the driver's side of the black Lexus sedan, Officer Smyth observed Pinnock moving to the driver's side of the vehicle and activated his TASER in an attempt to stop Pinnock from gaining control of the vehicle and utilizing it as a weapon.

The UOFRB was critical of Officer Smyth's assessment and tactical decision to be the only officer to position himself on the driver's side of the black Lexus sedan while the remaining officers all positioned themselves on the passenger's side of the vehicle. The UOFRB noted Officer Smyth's positioning led to a crossfire situation between himself and the other officers positioned on the passenger's side of the black Lexus sedan.

Immediately after Pinnock collided with police vehicles parked on McCadden Place, officers proceeded to McCadden Place, assessed the tactical situation, and deployed in containment positions south of Pinnock, who was seated in the stolen black Lexus sedan. Sergeant Williams observed Pinnock collide with the police vehicles and aggressively exit the Lexus sedan armed with a machete. Sergeant

Williams assessed the tactical situation and directed Officer Frias who was standing just west of him to fire his Beanbag Shotgun. Officers Frias and Brady both observed Pinnock exit the black Lexus sedan armed with a machete in an aggressive manner. Officers Frias and Brady assessed the tactical scenario and believed Pinnock to be an immediate threat to the safety of officers and the community. Officers Frias and Brady each fired one round from their Beanbag Shotgun and 40mm LLL, respectively, at Pinnock in an attempt to stop him from committing any further violent acts against the officers and public in the area.

The less-lethal munitions were ineffective and Pinnock fled in a northeasterly direction across Sunset Boulevard. Officer Brady assessed the tactical situation and knowing there were schools and cafes nearby, believed Pinnock who was still armed with a machete, to be a clear threat to the safety of community members in the area. Officer Brady followed after Pinnock in foot pursuit to maintain containment and keep visual contact of Pinnock. Officers Smyth and Frias additionally followed after Officer Brady and Pinnock. Officer Smyth and Frias shortly thereafter assessed the tactical situation and made the decision to turn back to utilize their police vehicle instead of continuing their foot pursuit.

The UOFRB noted Officer Brady had extensive knowledge of the area, including the high pedestrian traffic generated by various schools, restaurants, and businesses in the area. The UOFRB opined Officer Brady's decision to follow Pinnock in foot pursuit in order to contain and keep visual contact with Pinnock, resulted from his familiarity with the area. Officer's Brady's mindset was that Pinnock was a clear threat to the community, based on the multiple felony crimes he had committed and being armed with a machete.

After observing Pinnock flee the traffic collision scene, Officers Padilla and Welch assessed the tactical situation, including that their police vehicle had been struck and disabled, and made the decision to follow after Officer Brady and Pinnock, east on Sunset Boulevard. Officer Brady observed Pinnock suddenly stop, turn around, and charge at him. Officer Brady assessed the imminent lethal threat presented by Pinnock, subsequently leading to an OIS. Officer Brady continually assessed after each round fired, throughout the OIS incident. Officer Padilla observed Pinnock charge towards Officer Brady with a machete, close distance, and stand over Officer Brady, who had fallen to the ground on Sunset Boulevard. Officer Padilla assessed the tactical situation and, based on the imminent threat that Pinnock posed to Officer Brady's life, became involved in an OIS. After Pinnock fell to the ground, Officer Padilla assessed that Pinnock no longer represented a lethal threat.

After Pinnock was taken into custody, Officer Anaya assessed that the tactical situation had ended and immediately began CPR on Pinnock, after determining Pinnock was in clear medical distress. Officer Anaya continued CPR until he was relieved by LAFD paramedics.



**Time** – Upon arrival to the scene, Officers Dominguez and Choi were the first unit to locate Pinnock. Officer Dominguez maintained distance with Pinnock to allow time to communicate with Pinnock and with other officers. Officer Dominguez communicated their location and confirm to responding officers that Pinnock was armed with a machete. Additionally, Officer Dominguez utilized the PA in his police vehicle to attempt to communicate and direct Pinnock to drop the machete and surrender, minimizing the need for any force being applied. After Officer Smyth and Officer Frias tactically deployed their police vehicle north of Pinnock, Pinnock's behavior became increasingly erratic and aggressive. Pinnock refused to comply with commands to drop his machete and suddenly began moving west into the drive-through of Chick-fil-A forcing the officers on scene little time to form tactical plans and adapt to a rapidly evolving tactical situation.

Officers Anaya and Martinez observed Pinnock's movement and immediately followed him into the Chick-fil-A drive-through to maintain visual contact with Pinnock. Pinnock quickly approached a black Lexus sedan and committed a carjacking. Officers Anaya and Martinez as well as Officers Brady, Holguin, Coronado, Smyth, and Frias observed Pinnock's aggressive actions and closed distance on the black Lexus sedan. Officer Smyth attempted to utilize his TASER to prevent Pinnock from gaining control of the vehicle but was unsuccessful as Pinnock recklessly fled the drive-through in the stolen black Lexus sedan and collided with multiple police vehicles.

Pinnock exited the stolen black Lexus sedan armed with his machete and Officers Frias and Brady each discharged one round from a Beanbag Shotgun and 40mm LLL, respectively, in the brief moments they had to assess the threat Pinnock presented. Pinnock fled on foot to the north sidewalk of Sunset Boulevard with Officer Brady following behind him. Pinnock suddenly stopped, turned, and charged Officer Brady armed with a machete. Officers Brady and Padilla, based on the imminent lethal threat Pinnock's sudden and aggressive actions presented, subsequently became involved in an OIS.

The UOFRB noted, the tactical situation was dynamic, rapidly shifting, and officers were required to react to the erratic and hostile actions of Pinnock. The UOFRB considered that the investigation determined that the entire encounter, from when Officers Dominguez and Choi located Pinnock and advised they had arrived on scene to the last lethal round being discharged, was approximately 3 minutes and 19 seconds. The UOFRB noted that the time elapsed included Pinnock's carjacking of a vehicle, subsequent traffic collisions involving Pinnock, his attempt to flee on foot, Pinnock turning and charging Officer Brady, and ultimately the resulting OIS.

Additionally, the UOFRB considered that the investigation determined ten seconds elapsed from when Pinnock began charging to the last round being discharged in the OIS.

The UOFRB considered that the incident occurred in an area with heavy pedestrian and vehicular traffic. The tactical situation was further complicated by the high volume of traffic during the lunchtime hour when members of the public were patronizing the restaurants in that area. In addition, the immediate neighborhood had multiple schools in close proximity ranging from elementary to high school. The officers' obligation to the public and community's safety was clear. The UOFRB opined that the tactical situation was constantly evolving based on Pinnock's unpredictable behavior, in which he brazenly committed multiple felony crimes, including a carjacking in front of numerous officers. The officers had minimal time to formulate tactical plans, and forced them to adapt and react quickly to address the threat Pinnock posed to them and the community. Additionally, the UOFRB opined that based on the evolving tactical situations presented to them, it was not feasible for officers to provide use of force warnings prior to discharging their less-lethal tactical options.

**Redeployment and/or Containment** – Officer Dominguez and his partner maintained their distance with Pinnock in order to maintain containment and to provide themselves a tactically advantageous position. Officers Smyth and Frias tactically positioned their police vehicle north of Pinnock in order to contain him on McCadden Place and prevent him from proceeding to Sunset Boulevard, known to have high pedestrian and vehicle traffic. Officer Smyth exited his vehicle and immediately redeployed to the rear of his police vehicle in order to maintain distance and provide himself cover from Pinnock who approached him armed with a machete.

Officer Anaya and Martinez redeployed into the Chick-fil-A drive-through while following Pinnock in an attempt to maintain containment, keep visual contact, and minimize the danger to the surrounding community members. Officers Anaya, Martinez, Brady, Holguin, Coronado, Smyth, and Frias all observed Pinnock approach a black Lexus sedan, gain entry, and begin committing a carjacking. Officers assessed the tactical situation, observed an immediate threat to a community member and closed distance on the Lexus sedan. Officer Frias, who was initially approaching along the south wall of the Chick-fil-A restaurant, redeployed to the passenger side of the Lexus sedan after assessing his tactical positioning.

Immediately following Pinnock carjacking and subsequently gaining control of the Lexus sedan, driving it recklessly out of the drive-through, and colliding with multiple police vehicles, Sergeant Williams and Officers Brady, Smyth, Frias, Coronado, Welch, and Padilla immediately redeployed from the drive-through to McCadden Place. The officers moved to containment positions south of Pinnock and the Lexus sedan. After Officers Frias and Brady discharged one round each from their Beanbag Shotgun and 40mm LLL respectively, Pinnock fled in a northeasterly direction on Sunset Boulevard. Officer Brady immediately began following Pinnock in foot pursuit to maintain containment and visual contact of Pinnock.

The UOFRB noted officers attempted to redeploy and contain Pinnock as best as they could during the dynamic encounter; however, Pinnock's unpredictable movements and actions compelled officers to adapt their tactics and positions and choose the most advantageous positions afforded them in the short time they had to make their tactical decisions.

**Other Resources** – Officer Dominguez and his partner upon their arrival at scene, utilized the PA system in their police vehicle to attempt to establish communication with Pinnock and de-escalate the situation by having him drop the machete. Additionally, a backup and airship were requested to respond to the scene to assist.

Various officers deployed less-lethal impact devices due to the nature of the call which was a robbery suspect armed with a machete. Officer Anaya deployed a 40mm LLL, while Officers Frias and Holguin deployed their Beanbag Shotguns. The air unit arrived overhead and provided pertinent information regarding the tactical situation and Pinnock's actions. Immediately following the OIS, and after Pinnock was taken into custody, Officers Anderson and Zipperman both requested a RA respond for injuries sustained by Pinnock and Officer Brady.

The UOFRB considered that the tactical situation unfolded quickly and shifted multiple times which did not allow time for further resources to be requested. The UOFRB noted the officers utilized all the resources they had at their disposal during the chaotic and dynamic encounter.

**Lines of Communication** – Upon the arrival of Officer Dominguez and his partner to McCadden Place, Officer Dominguez established lines of communication with the additional responding officers by communicating his location and confirming that Pinnock was indeed armed with a machete. Additionally, Officer Dominguez attempted to establish lines of communication with Pinnock by utilizing the PA system in his police vehicle to de-escalate the encounter had direct Pinnock to drop the machete. Pinnock refused to comply.

Officers Smyth and Frias established lines of communication with Officer Dominguez and his partner when they arrived, pulled up alongside Officer Dominguez's vehicle and received information regarding the Pinnock's exact location. Officer Smyth upon exiting his vehicle, attempted to establish lines of communication with Pinnock by ordering him to drop his machete; however, Pinnock was nonresponsive and noncompliant.

As Officers Anaya and Martinez closed distance with Pinnock, armed with a machete and ignoring the officers' commands, Pinnock entered the Lexus sedan and committed a carjacking. Officer Anaya attempted to establish lines of communication with Pinnock by ordering Pinnock to "Stop! Get down! Drop the machete." Pinnock was noncompliant and stated, "Shoot me." Officer Coronado closed distance with Pinnock and established lines of communication with the officers deployed around the black Lexus sedan by directing less-lethal cover

officers to utilize their Beanbag Shotguns on Pinnock as Pinnock was committing the carjacking.

Immediately following the traffic collision, Officer Smyth approached the driver's side door of the stolen black Lexus sedan and ordered Pinnock to exit the vehicle. Sergeant Williams established lines of communication with Officer Frias by directing Officer Frias to fire his Beanbag Shotgun at Pinnock. Once Pinnock fled onto Sunset Boulevard, Officer Brady followed in foot pursuit and continued to attempt to establish lines of communication by ordering Pinnock to stop multiple times. Officer Brady ordered Pinnock to drop the machete while on the north sidewalk of Sunset Boulevard; however, Pinnock refused to comply. Instead, Pinnock chose to turn and charge Officer Brady with the machete. Officer Brady ordered Pinnock to stop and began moving backwards to maintain distance, subsequently leading to an OIS.

Immediately following the OIS, Sergeant Williams responded to the scene and directed officers to don latex gloves prior to taking Pinnock into custody. Officer Coronado responded to the scene and maintained communication with the other officers on scene and assigned Officers Anaya and Tatum to be arrest team officers while he provided lethal cover.

The UOFRB noted, and the Chief concurred, that the patrol officers utilized the minimal time they had, requested resources, and attempted to open lines of communication with Pinnock. However, Pinnock's unpredictable and erratic behavior created a dynamic and evolving tactical scenario in which officers were required to adapt their tactics to Pinnock's actions. Officers were provided minimal time to form tactical plans and utilized the resources and tools at their disposal. The officers attempted to continue to establish open lines of communication with Pinnock by providing clear commands to stop and drop his machete and to have Pinnock surrender peacefully without the use of any force. Pinnock was noncompliant and mostly uncommunicative throughout the incident. Pinnock refused to comply with the officers and continued his aggressive movements even after the deployment of various less-lethal tools. Eventually, while being pursued by officers, Pinnock turned and charged towards an officer while armed with a machete, subsequently leading to an OIS. The officers were required to make decisions that balanced the safety and welfare of the public, themselves, and the suspect while presented with a clear and present deadly threat.

During the review of the incident, the following Debriefing Topics were noted:

**Debriefing Point No. 1 Tactical Planning/Communication**  
(Substantial Deviation, without Justification – Officer Holguin)

*Officers must approach every contact, whether a consensual encounter or a lawful detention, with officer safety in mind. Complacency, overconfidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack (California Commission on Peace Officer Standards and Training, Learning Domain 21).*

*In order to ensure officer safety and help ensure an appropriate outcome, the primary officers and cover officers must effectively communicate with one another. Appropriate communication involves:*

- *Advising the primary officer of any critical occurrences or safety issues (e.g., movement within the target vehicle, someone approaching outside the primary officer's field of vision, possible crossfire situations, etc.),*
- *Avoid inappropriate interruptions, and*
- *Avoid giving directions which conflict with those given by the primary officer. Only one person, usually the primary officer, gives the commands, unless a specific situation calls for another officer to issue a command (California Commission on Peace Officers Standards and Training, Learning Domain No. 22).*

Officers Brady and Holguin failed to discuss, develop, and communicate a basic tactical plan related to their response to suspects armed with edged weapons. Additionally, Officers Brady and Holguin did not discuss tactical concepts related to contact and cover roles, foot pursuits, and separation.

Operational success is based on the ability of officers to effectively communicate during critical incidents. Officers, when faced with a tactical incident, improve their overall safety by their recognition of an unsafe situation and by working together collectively to ensure a successful resolution. A sound tactical plan should be implemented to ensure minimal exposure to the officers, while keeping in mind officer safety concerns.

In this case, it was Officers Brady and Holguin's first day working together and they did not discuss tactical concepts or plans related to their response to various tactical situations. On their approach to the scene, Officer Holguin communicated he would be deploying the Beanbag Shotgun which Officer Brady acknowledged. Upon their arrival at scene, Officers Brady and Holguin did not communicate how they would approach or what roles they would have, as they each observed Pinnock enter the drive-through area. The officers approached from different angles and rates of advance. Officer Brady approached the drive-through with other officers more quickly than Officer Holguin. This difference of approach contributed to Officer Holguin working at a distance from his partner.

Shortly thereafter, Pinnock carjacked a Lexus sedan and collided with multiple police vehicles as he attempted to flee. Officer Brady and various officers followed Pinnock a short distance from the Chick-fil-A drive-through to the traffic collision location, and attempted to detain Pinnock. Officer Holguin proceeded to his police vehicle, believing Pinnock had fled the location in the stolen Lexus sedan. Pinnock exited the stolen black Lexus sedan, fled the location armed with a machete on foot and was immediately pursued by Officers Brady, Frias, Smyth, Welch, and Padilla. The incident ultimately resulted in an OIS, as Officer Brady pursued Pinnock unaccompanied by his partner. Officer Holguin, who had returned to his police vehicle, proceeded to the area where Officer Brady had pursued Pinnock. However,

Officer Brady had already been involved in an OIS, and additional officers had already arrived to the OIS scene prior to Officer Holguin's arrival.

The UOFRB considered that Officer Holguin is an experienced officer with approximately 19 years as a police officer. The UOFRB also considered that it was Officers Brady and Holguin's first day working together. The UOFRB majority considered that Officers Brady and Holguin had responded to a radio call prior to their response to this incident and had sufficient time to discuss basic tactical concepts. The UOFRB majority was critical of Officer Holguin's role in the lack of tactical planning and communication prior to and during the incident. The UOFRB majority opined Officer Holguin did not take responsibility, as the more experienced and senior officer, to engage his partner in discussions related to basic tactical concepts, including contact and cover roles, foot pursuits, separation, and suspects armed with edged weapons. Upon their arrival at scene, Officers Brady and Holguin did not communicate how they would approach or what roles they would have, as they each observed Pinnock enter the drive-through area. Officer Brady approached the drive-through area, and the other officers already at the drive-through, more quickly than Officer Holguin. Officer Brady's earlier arrival positioned him to be handed the 40 mm LLL by Officer Anaya and begin assuming the role of less-lethal. Officer Holguin approached at a distance behind Officer Brady and had a better perspective of Officer Brady's position and actions. As Pinnock drove off from the drive-through, Officer Brady and various other officers ran after Pinnock and continued their efforts to detain Pinnock by issuing commands and using less-lethal force. Officer Holguin stated he did not know where his partner was at that time, but ran to his police vehicle believing Pinnock had fled in the stolen Lexus. The UOFRB noted Officer Holguin had minimal involvement in the attempts by Officer Brady and other officers to detain Pinnock.<sup>53</sup> After Pinnock fled from the Lexus sedan, Officer Holguin stated he had not seen Officer Holguin on McCadden Place and assumed he had been one of the officers that had run eastbound on Sunset Boulevard. The UOFRB majority opined the lack of tactical planning and communication led to Officers Brady and Holguin approaching the tactical situation from different perspectives, leading to tactical decisions made independently of each other, and ultimately to the officers being separated as Officer Brady was involved in an OIS.

The UOFRB minority reviewed the same set of facts and opined that though Officer Holguin admitted to having very little conversation with Officer Brady regarding tactics, they were responding to a chaotic and dynamic incident involving a large numbers of officers and it is not always realistic to be side-by-side with an individual's assigned partner during the duration of the incident. Additionally, the UOFRB minority considered Officer Holguin's mindset and rationale of attempting to secure his Beanbag Shotgun while simultaneously retrieving his police vehicle with

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<sup>53</sup> According to the FID investigation, including the UOFRB presentation by the FID investigator, Officer Holguin is not noted in any activity as Officer Brady and other officers attempted to detain Pinnock after he collided and the Lexus sedan became disabled. The UOFRB noted that Officer Holguin did not appear in the video snapshot from video obtained from the Chick-fil-A restaurant, which displayed the positions of the officers during the attempted detainment.



the intention of rejoining his partner on Sunset Boulevard, as they renewed their chase of Pinnock utilizing their police vehicle. The UOFRB opined that although the minimal tactical planning and communication leading to Officers Brady and Holguin separating was concerning, it did not rise to the level of a substantial deviation from approved Department tactical training.

The Chief would have preferred Officer Holguin had taken more initiative as the more experienced and senior officer and engaged Officer Brady in prior discussions related to de-escalation strategies and basic tactical concepts. These discussions provide a basic tactical plan with regards to officers understanding their partner's mindset during tactical situations and allows officers to keep a better coordinated response to rapidly shifting tactical encounters. The Chief would have preferred Officer Holguin be more involved in the tactical situation and initiate clear tactical communication with Officer Brady which would have allowed for a more coordinated and measured approach. Additionally, although the Chief acknowledged Officer Holguin's rationale for his actions, the lack of tactical planning and communication led to Officers Brady and Holguin approaching the tactical situation with two separate mindsets, making independent and diverging tactical decisions which ultimately led to them separating and placing them both in a tactically disadvantageous position.

Based on the totality of the circumstances, the UOFRB majority determined, and the Chief concurred that Officer Holguin's lack of tactical planning and communication was a substantial deviation, without justification, from approved Department tactical training. The Chief will direct that this be a topic of discussion during the Tactical Debrief.

- **Debriefing Point No. 2    Approaching an Armed Suspect**

(Substantial Deviation, without Justification – Officer Smyth) (Substantial Deviation, with Justification – Officer Anaya)

*There is an equation that saves lives: Distance + Cover = Time. Time gives officers options. Time is an essential element of de-escalation as it allows officers the opportunity to communicate with the suspect, refine tactical plans, and, if necessary, call for additional resources. Entering the suspect's space prematurely may force the suspect to take action, ultimately escalating the situation. Whenever possible, officers should place an object between themselves and the suspect as cover or a barrier. A barrier could be a chain link fence, wrought iron gate, or any similar object that prevents the assailant from reaching the officer (Los Angeles Police Department Training Bulletin, Weapons Other Than Firearms, Volume XLVI, Issue 3, October 2017).*

*Officers must approach every contact with officer safety in mind. Complacency, overconfidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack (California Commission on Peace Officer Standards and Training, Learning Domain 21).*

Officer Anaya approached the open passenger side door of the Lexus sedan as Pinnock, who was armed with a machete, entered the passenger side door with the driver still seated in the vehicle. Officer Smyth approached the driver's side of the Lexus sedan and placed himself within a few feet of the door, and open driver's side window, as Pinnock moved to the driver's side of the vehicle with the intention of taking control of the vehicle.

When officers encounter a suspect that they believe is armed with a weapon, they are trained to place the suspect into a high-risk prone position to facilitate a safe approach to take the suspect into custody. This tactic provides the officers a tactical advantage and allows them to plan, communicate, redeploy, utilize cover, give commands, and approach the suspect from a position of advantage.

In this case, upon his observation that Pinnock was entering a Lexus sedan in an attempt to commit a carjacking, Officer Anaya closed the distance and approached the open passenger side door. The UOFRB noted, Officer Anaya observed there was a driver in the vehicle and Pinnock's actions presented a clear danger to the driver of the vehicle. The UOFRB considered Officer Anaya approached Pinnock, who was in the front passenger's seat of the vehicle, still armed with a machete, in order to have a clear visual of Pinnock's movements and take action if necessary to protect the driver of the vehicle.

Officer Smyth closed the distance on the Lexus sedan as Pinnock was in the front passenger's seat of the black Lexus sedan, still armed with a machete. The driver of the vehicle exited the vehicle, leaving the front driver's seat unoccupied. Officer Smyth moved to a position a few feet from the open driver's side window in an attempt to utilize his TASER to stop Pinnock's actions.

The UOFRB noted the tactical situation rapidly evolved and Officer Smyth was forced to make swift tactical decisions based on Pinnock's actions. However, the UOFRB was critical of Officer Smyth's decision to approach the open front driver's side window in such close proximity to Pinnock and place himself in a position with limited area to move and redeploy with the knowledge Pinnock was armed with a machete. Additionally, the UOFRB noted immediately following the traffic collision, Officer Smyth once again approached the driver's side of the Lexus sedan, positioned himself a short distance from the door and ordered Pinnock to exit the vehicle as Pinnock was still armed with a machete.

The Chief would have preferred Officers Anaya and Smyth utilize cover which would enable them to confront armed suspects while simultaneously minimizing their exposure. However, in this circumstance, Officer Anaya approached Pinnock as he was brazenly committing a carjacking in front of the officers at scene. As a result of observing a carjacking in progress, Officer Anaya approached Pinnock on the passenger's side of the vehicle, while the driver of the vehicle was still in the vehicle and in immediate danger from Pinnock who was still armed with a machete. The

Chief would have preferred Officer Smyth approach the vehicle in conjunction with the additional officers at scene, including Officer Anaya who was already positioned in a point position on the passenger side of the Lexus sedan. Additionally, the Chief acknowledged Officer Smyth's approach to the front driver's side of the vehicle occurred as the driver exited the vehicle and was no longer in an immediate threat of danger from Pinnock.

Based on the totality of the circumstances, the Chief determined Officer Anaya's actions of approaching an armed suspect were caused by Pinnock's immediate threat to a community member and therefore was a substantial deviation, with justification, from approved Department tactical training.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Officer Smyth's actions placed him in a tactically disadvantages position and therefore was a substantial deviation, without justification, from approved Department tactical training.

The Chief will direct this topic be discussed during the Tactical Debrief.

### **Debriefing Point No. 3    Crossfire**

(Substantial Deviation, without Justification – Officer Smyth)

*Does the surrounding area provide a clear background/foreground? Officers must be aware of where the bullet will go and where it may stop. Officers should not fire under conditions that would subject bystanders to death or possible injury, except in Imminent Defense of Life or to prevent serious bodily injury (Standardized Roll Call Training Program, Deployment Period No. 8/2007).*

Officers, when faced with a tactical incident, improve their overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution. The ability to adjust to a tactical situation ensures minimal exposure to the officers.

In this case, Officer Smyth drew his service pistol and positioned himself on the driver's side of the Lexus sedan, along the south wall of the Chick-fil-A restaurant. As Officer Smyth was positioned on the driver's side of the Lexus sedan, facing a southerly direction, Officers Anaya, Martinez, Brady, Coronado, Holguin, and Frias were positioned on the passenger's side of the Lexus sedan, facing in a northerly direction.

The UOFRB noted Officer Smyth's intention of moving to the driver's side of the Lexus sedan was to contain Pinnock from exiting the Lexus on the driver's side and endangering community members at the restaurant. However, the UOFRB was critical of Officer Smyth's tactical decision to position himself on the driver's side of the Lexus sedan due to the creation of a crossfire between himself and the additional officers on scene. Additionally, the UOFRB noted Officer Smyth placed

himself in an unsafe and narrow space between the Lexus sedan and the Chick-fil-A wall. This location placed Officer Smyth in a position where he could have been injured if the Lexus sedan had driven toward the wall. It also limited Officer Smyth's tactical options and movement. The UOFRB opined Officer Smyth should have continued to assess the tactical situation and adjust his positioning by moving to the passenger's side of the Lexus sedan.

Though the Chief acknowledged Officer Smyth's intention in attempting to contain Pinnock and prevent him from fleeing, the Chief would have preferred Officer Smyth had made sound tactical decisions by continually assessing the tactical situation. In this case, the Chief would have preferred Officer Smyth recognize the unsafe tactical situation of placing himself on the driver's side of the vehicle while the remaining officers positioned themselves on the passenger side of the vehicle. The Chief would have preferred once Officer Smyth recognized his poor tactical position, he would have immediately redeployed to a more advantageous tactical position to minimize the risk to officers and work to safely resolve the tactical situation.

Based upon the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Officer Smyth's actions compromised the safety of the additional officers at scene and therefore, were a substantial deviation, without justification, from approved Department tactical training. The Chief will direct that this be a topic of discussion during the Tactical Debrief.

#### **Debriefing Point No. 4 Separation**

(Substantial Deviation, without Justification – Officer Smyth)

***Separation (Split Up):*** Separation occurs whenever the distance between the two officers is so great that one cannot render aid to the other when confronted by the suspect or barriers exist that would unreasonably delay the partner officer from being able to render aid.

***Note:*** While in containment mode, partner officers may separate a reasonable distance for the limited purpose of setting up a perimeter, as long as they have line of sight with each other. When separated, officers should not normally transition back into apprehension mode and attempt to take the suspect into custody alone (Los Angeles Police Department Use of Force-Tactics Directive No. 3.2, Foot Pursuit Concepts, October 2013).

Immediately following Pinnock's carjacking and attempt to flee, Pinnock collided with multiple police vehicles. Officer Brady and various officers followed Pinnock a short distance to the traffic collision location and attempted to detain him. Pinnock fled the location armed with a machete on foot and was immediately pursued by Officer Brady, who was closest to Pinnock as he fled, as well as Officer Frias, Smyth, Welch, and Padilla.

Officers Frias and Smyth began following Officer Brady and Pinnock northeast across Sunset Boulevard, after Pinnock fled from the traffic collision. Shortly thereafter, Officer Smyth made the tactical decision to stop following Officer Brady and return back in a southwest direction towards his police vehicle in order to catch up to Officer Brady and Pinnock.

In this case, Officer Smyth communicated his tactical decision to return and retrieve his police vehicle to his partner Officer Frias. However, due to the dynamic and rapidly evolving tactical situation, Officer Smyth was the officer nearest to Officer Brady when the foot pursuit began. The UOFRB noted, the tactical situation rapidly evolved and officers were required to adapt their tactical decisions swiftly. The UOFRB noted Officer Smyth communicated to Officer Padilla to continue following Officer Brady as Officers Smyth and Frias passed him when they proceeded to their vehicle. However, the UOFRB opined that based on the circumstances at the time and Officer Smyth's proximity to Officer Brady, Officer Smyth was positioned to be able to assess that if Officer Smyth and Frias discontinued their foot pursuit, Officer Brady would not have anyone able to render aid to Officer Brady.

The Chief would have preferred Officer Smyth recognize that in this circumstance he was the officer in the nearest proximity to Officer Brady as the foot pursuit began and was in the best position to determine the best tactical strategy at that moment. The Chief would have preferred upon his assessment, Officer Smyth would have recognized he had assumed a partner role with Officer Brady during the dynamic incident and either communicated to Officer Brady to discontinue his foot pursuit or continue in foot pursuit after Officer Brady. As a result of the distance created between the officers during the foot pursuit based on Officer Smyth's tactical decision to turn back to retrieve his police vehicle, the officers' ability to effectively communicate or render immediate aid to one another was negated.

Based on the totality of the circumstances, The UOFRB determined, and the Chief concurred, that Officer Smyth's tactical decision, as the nearest officer to Officer Brady, to stop following Officer Brady during the foot pursuit of Pinnock, was a substantial deviation, without justification, from approved Department tactical training. The Chief will direct this be a topic of discussion during the Tactical Debrief.

### **Additional Tactical Debrief Topics**

- **Required Equipment** – The investigation revealed that Officer Frias' Hobble Restraint Device was not on his person but was in his police vehicle. Officer Frias is reminded of the importance of having his required field equipment on his person to allow for the availability of additional use of force options during an incident. The Chief will direct this to be a topic of discussion during the Tactical Debrief.
- **Tactical Vehicle Deployment** – The investigation revealed Officers Smyth and Frias initially proceeded past Pinnock who was armed with a machete on McCadden

Place as Pinnock proceeded north on the west side of McCadden Place. Officer Smyth stopped their police vehicle a short distance north of Pinnock, in an attempt to contain and prevent Pinnock from continuing to Sunset Boulevard. Officers Smyth and Frias are reminded that positioning their police vehicle an appropriate distance from a suspect armed with a machete, provides them additional time and distance to assess a suspect's actions, and determine the most effective tactical approach. The Chief will direct this be a topic of discussion during the Tactical Debrief.

- **Situational Awareness (Background)** – The investigation revealed that the victim of the carjacking, witness Becerra, who had exited his vehicle, was in the immediate background while officers were covering Pinnock from their positions on the passenger's side of black Lexus sedan. Although the issue of Becerra being in the background of the officers was created by Pinnock's movements, the swift elimination of Becerra from the location could have prevented this issue. Additionally, officers in proximity to the vehicle did not communicate to Becerra to leave the area and move to a safer location. The officers are reminded to be mindful of their background during tactical encounters which may result in the use of deadly force and attempt to communicate with community members in the vicinity to leave the area for their safety. The removal of uninvolved community members also allows for officers to focus on handling the suspect without further distractions. The Chief will direct that this be a topic of discussion during the Tactical Debrief.
- **Holding Service Pistol in one Hand and TASER in Other** – The investigation revealed Officer Smyth while holding his service pistol in his left hand, drew his TASER with his right hand while standing near the driver's side of the black Lexus sedan. Officer Smyth is reminded of the tactical disadvantage of having a service pistol in one hand and an additional piece of equipment in the other hand, due to the potential for an accidental or negligent discharge. The Chief will direct that this be a topic of discussion during the Tactical Debrief.
- **Utilization of Cover** – The investigation revealed Officers Coronado and Welch immediately followed Pinnock a short distance to where he had collided with police vehicles. Officers Coronado and Welch were in close proximity to police vehicles and additional available cover; however, they did not utilize the accessible cover in their vicinity. Officers Coronado and Welch are reminded that when confronting a suspect armed with a weapon other than a firearm, they should place a barrier between themselves and the suspect if possible. The Chief will direct that this be a topic of discussion during the Tactical Debrief.
- **Maintaining Control of Equipment** – The investigation revealed that after Officer Smyth followed Pinnock a short distance to the area where Pinnock collided with police vehicles, dropped his TASER on the ground, and acquired a two-hand grip on his service pistol, which he had been holding in a one-hand grip. As Pinnock exited the Lexus sedan and fled, Officer Smyth proceeded to pursue Pinnock as his TASER rested on the ground where he had dropped it. Officer Smyth is reminded of the importance of maintaining control of his equipment prior to transitioning to other



force options. The Chief will direct that this be a topic of discussion during the Tactical Debrief.

- **Non-Conflicting Simultaneous Commands** – The investigation revealed at various times during the incident, officers provided simultaneous non-conflicting commands at Pinnock to stop and drop his weapon throughout the encounter. Although the commands were non-conflicting, the officers are reminded that simultaneous commands can sometimes lead to confusion and non-compliance. The Chief will direct that this be a topic of discussion during the Tactical Debrief.
- **Code Six** – The investigation revealed Sergeant Williams arrived at scene to a tactical situation that was dynamic, rapidly shifting, and required officers to react to the erratic and hostile actions of Pinnock. He immediately exited his vehicle in order to assess the tactical situation in the Chick-fil-A drive-through. Sergeant Williams stated he was unable to broadcast he was Code Six because he heard the air unit was already broadcasting on Hollywood Base Frequency regarding the incident and Sergeant Williams felt that the situation needed him to immediately exit his vehicle and provide command and control to the incident. Sergeant Williams stated he was not able to advise CD that he was Code Six until shortly after Pinnock was handcuffed and the OIS scene was being contained. The Sergeant Williams is reminded of the importance of updating his status so that other units will know his location if he requests assistance. The Chief will direct that this be a topic of discussion during the Tactical Debrief.
- **Beanbag Shotgun Manipulations** – The investigation revealed that after discharging his Beanbag Shotgun at Pinnock, Officer Frias did not re-engage the safety on his Beanbag Shotgun. Officer Frias is reminded of the importance of proper Beanbag Shotgun manipulations during tactical situations and that the failure to re-engage the safety can increase the likelihood of an unintentional discharge. The Chief will direct that this be a topic of discussion during the Tactical Debrief.
- **Preservation of Evidence** – The investigation revealed as Officer Anaya was handcuffing Pinnock, he observed the machete Pinnock had been armed with underneath Pinnock and moved the machete a short distance away due to it being in the immediate proximity of Pinnock. Additionally, Officer Smyth returned to the area where the Lexus sedan had collided with multiple police vehicles and recovered his TASER which remained unsecured on the ground. Officer Smyth removed the expended TASER cartridge and placed his TASER back into his TASER holster. Officer Smyth secured the expended TASER cartridge in his police vehicle. Officers Anaya and Smyth are reminded of the importance of the preservation of evidence in safeguarding the integrity of the investigation and maintaining trust with the community. The Chief will direct that this be a topic of discussion during the Tactical Debrief.
- **Securing Beanbag Shotgun/40mm LLL** – The investigation revealed after responding to the OIS scene in their police vehicles, neither Officers Holguin nor

Frias secured their loaded Beanbag Shotguns in their equipment racks and left them in their unlocked vehicles. Additionally, after Officer Frias obtained Officer Brady's 40mm LLL as Officer Brady was in the process of decontamination, Officer Frias placed Officer Brady's 40mm LLL in his unlocked police vehicle. Officers are reminded of the importance of securing their vehicles as well as all unattended weapons in their appropriate weapon racks to prevent unnecessary danger to the safety of officers and the community. The Chief will direct that this be a topic of discussion during the Tactical Debrief.

## **Command and Control**

- *Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.*

*Command and Control is a process where designated officers use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct officers and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).*

*Line Supervision – Defined. A supervisor who has the specific responsibility of issuing directions and orders to designated subordinates shall be considered as having the duty of line supervisor and shall be held accountable for achieving conformance with the directions and orders that he/she issues (Los Angeles Police Department Manual, Volume 3, Section 135).*

*Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Supervisor's Field Operations Guide, Volume 2, LAPD Emergency Operations Guide).*

The investigation revealed Sergeant Williams was the first supervisor to the scene, arriving seconds before Pinnock drove the stolen Lexus out of the drive-through area. Sergeant Williams observed Pinnock attempt to flee in the black Lexus sedan

and observed the traffic collisions that ensued. Sergeant Williams, while assessing the tactical situation and the movement of Pinnock and the officers on scene, directed Officer Frias to discharge his Beanbag Shotgun at Pinnock. After Pinnock fled eastbound on Sunset Boulevard armed with a machete, Sergeant Williams immediately responded to the OIS scene and provided oversight of the officers who were formulating a tactical plan to approach and take Pinnock into custody. Sergeant Williams advised officers to don latex gloves prior to handcuffing Pinnock due to the blood in the area. Sergeant Williams declared himself the Incident Commander after the OIS and proceeded to direct the containment of both the crime scenes and the general area. Sergeant Williams maintained his role as the IC until relieved.

The investigation revealed Sergeant Shapiro was the second supervisor to arrive at the OIS scene as officers were formulating a tactical plan to take Pinnock into custody. Sergeant Shapiro provided oversight and assisted Sergeant Williams in providing direction to the responding officers and containing both the OIS scene and the traffic collision scene next to the Chick-fil-A restaurant. Sergeant Shapiro identified Officers Brady and Padilla as the involved officers, separated them, and directed Sergeant Kim and Detective Geaney to separate, monitor, and obtain PSS from them. Sergeant Shapiro identified additional witnessing officers and requested additional supervisors to respond and assist with the separation and monitoring of the witnessing officers. He assured the witnessing officers were separated, monitored, and transported to Hollywood Community Police Station. Additionally, Sergeant Shapiro assured a RA was enroute to the incident and directed personnel to canvass the immediate area for witnesses.

The following supervisors responded to the incident and assisted in the separation and monitoring of the involved and witnessing personnel. Sergeant Kim and Detective Geaney responded to the incident and assisted with the separation and monitoring of Officers Brady and Padilla. Sergeant Kim obtained a PSS from Officers Brady and Padilla at scene. Sergeant Skiver transported Officer Brady from the scene and monitored him at Hollywood Community Police Station. Detective Geaney transported Officer Padilla from the scene and monitored him at Hollywood Community Police Station. Detectives Kukaua and Eberhardt responded to the incident and assisted with the separation, monitoring, and obtaining PSS from officers at scene. Detective Kukaua obtained a PSS from Officer Frias, while Detective Eberhardt obtained a PSS from Officers Holguin and Smyth. Detectives Kukaua and Eberhardt transported Officers Frias, Holguin and Smyth from the scene and monitored them at Hollywood Community Police Station. Detective Bangphraxay, responded to the incident and assisted in the separation and monitoring of Officers Welch, Coronado, Anderson, and Sergeant Williams. He additionally transported them from the scene and monitored them at Hollywood Community Police Station. Sergeant Larios responded to the incident and assisted in the separation and monitoring of Officers Anaya, Martinez, Tatum, and Vasquez. He additionally transported them from the scene and monitored them at Hollywood Community Police Station.

The actions of Sergeants Williams and Shapiro were consistent with Department supervisory training and the Chief's expectations of a field supervisor during a critical incident.

### **Tactical Debrief**

- In conducting an objective assessment of this case, the UOFRB determined, and the Chief concurred, that Sergeant Williams, along with Officers Brady, Padilla, Welch, Frias, Anaya, Martinez, Coronado, and Dominguez's tactics did not deviate from approved Department tactical training.

However, the UOFRB majority determined, and the Chief concurred that Officers Smyth and Holguin's actions were a substantial deviation, without justification, from Department policy and training, thus requiring a finding of Administrative Disapproval.

Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for the involved officers to discuss individual actions that took place during this incident.

Therefore, the Chief will direct that Sergeant Williams, Officers Brady, Holguin, Padilla, Welch, Smyth, Frias, Anaya, Martinez, Coronado, and Dominguez attend a Tactical Debrief and that the specific identified topics are discussed.

**Note:** Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

### **General Training Update (GTU)**

- On September 5, 2019, Officers Brady and Padilla attended a General Training Update (GTU). All mandatory topics were covered including the Force Option Simulator.

### **Drawing/Exhibiting**

- Department policy relative to drawing and exhibiting a firearm is: *"An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the*

*officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified" (Los Angeles Police Department Manual, Volume No. 1, Section 556.80)*

## **Officer Brady**

### First Occurrence

According to Officer Brady, as he arrived on scene, he was advised by officers at scene that Pinnock was armed with a machete. Officer Brady observed Pinnock pick up the machete and quickly walk towards the drive-through. Officer Brady moved north through the parking lot of Chick-fil-A and drew his service pistol due to his observation that Pinnock was armed with a machete and was a danger to both the officers and the community.

Officer Brady recalled, *"The first unit there advised he was armed with a machete. So as soon as we got there, there was already maybe two or three units already Code 6 parked their shop. And as soon as we got out of the -- as soon as I got out of the vehicle, I saw the suspect right there in the parking lot of the Chick-fil-A just off to the sidewalk. He picked up the machete and started kind of speed walking towards the drive-through. At that point, I went through the parking lot of Chick-fil-A. Seeing the suspect was armed with a machete, I unholstered my firearm. He -- as soon as he went to the -- to the drive-through, I saw him with the machete, and other units give him commands."*<sup>54</sup>

### Second Occurrence

According to Officer Brady, as he followed after Pinnock in a containment position, he observed Pinnock slowing down and almost come to a stop. Officer Brady harnessed his 40mm LLL and drew his service pistol as Pinnock turned around towards him with a blank stare, armed with a machete. Officer Brady drew his service pistol due to the tactical situation and imminent threat of serious bodily injury or death based on Pinnock's aggressive actions and the fact that he was armed with a machete.

Officer Brady recalled, *"And that's when I harnessed my 40-millimeter launcher and I drew up my -- my duty pistol. He slowed down, almost kind of came to a walk, like almost a stop, and he -- he turned around. At this point, I thought he was going to give up."*<sup>55</sup>

*"So when I was running with him eastbound on Sunset, he eventually stopped. He was slowing down and almost came to a stop. I don't know if he did or not. I -- I believe he did, but he was slowing down to almost where he maybe took a couple*

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<sup>54</sup> Brady, Page 9, Lines 11-24.

<sup>55</sup> *Id.*, Page 15, Lines 2-6.

*steps. And that's when I put my -- put the 40-millimeter -- 40-millimeter launcher to the side and put the sling on, deployed my firearm. That's why I slung it, to deploy my firearm. Yeah.*"<sup>56</sup>

*"Due to the tactical situation and imminent threat of SBI or death, people, or to myself, to my partners, armed with a machete, you know, what happened beforehand, just things leading up to the -- this point, I discharged, or, sorry, deployed my handgun and I gave him commands to stop, drop the machete."*<sup>57</sup>

*"So when he slowed down almost to a stop, he turned towards me. He wasn't facing away from me. He turned towards me and just kind of, like I said before, blank stare, no emotion, just stared at me, and that's when I deployed my firearm and start giving commands."*<sup>58</sup>

*"35, 40 feet, at least. 35-ish feet... Where I was it was an open sidewalk. Just east of him is a restaurant with people there. Oh, down the -- down the block. Not too much cover in this -- in this specific area. It just, it's open. It's not like what is was before in the street with the -- with the shops."*<sup>59</sup>

#### **Officer Padilla**

According to Officer Padilla, he was following after Officer Brady east on Sunset Boulevard in the middle of the street. He observed Pinnock charge west towards Officer Brady on the north sidewalk of Sunset Boulevard. Officer Padilla observed Officer Brady begin to discharge his service pistol towards Pinnock due to Pinnock being armed with a machete and being an imminent threat to Officer Brady. Officer Padilla drew his service pistol as he observed Pinnock continue to charge Officer Brady and Officer Brady fall onto the street. Officer Padilla believed Pinnock was an imminent threat to Officer Brady and the public's safety and drew his service pistol to protect Officer Brady's life and the public's safety.

Officer Padilla recalled, *"As soon as I seen the suspect charge, and I observed Officer Brady shoot rounds, and that's when I --"*<sup>60</sup>

*"I was still pretty much in the middle of the street. Yeah. I was still in the middle of the street."*<sup>61</sup>

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<sup>56</sup> Brady, Page 46, Lines 6-15.

<sup>57</sup> *Id.*, Page 46, Line 21 – Page 47, Line 1.

<sup>58</sup> *Id.*, Page 47 Lines 5-10.

<sup>59</sup> *Id.*, Page 47, Line 20, and 24 – Page 48, Line 4.

<sup>60</sup> Padilla, Page 18, Lines 11-13.

<sup>61</sup> *Id.*, Page 18, Lines 16-18.



*"I drew my handgun to protect Officer Brady's life and the public's."*<sup>62</sup>

*"When I drew my handgun, I observed Officer Brady retreating from the area to run away from the suspect because the suspect continued to charge Officer Brady after he shot several times. The suspect continued to charge Officer Brady, and Officer Brady then fell into the middle of the street."*<sup>63</sup>

## **Officer Welch**

### First Occurrence

According to Officer Welch, when she arrived at scene, she was aware from the comments of the radio call that Pinnock had just committed a robbery and that officers were trying to make contact with him. Officer Welch observed that Pinnock had entered the passenger's side of a Lexus sedan and was moving from the passenger seat into the driver's seat. Officer Welch drew her service pistol as she observed Pinnock was holding a machete in his hand. Officer Welch believed Pinnock had just stolen the vehicle from an unknown citizen.

Officer Welch recalled, *"So he was scooching across. He had entered from the passenger's side. I could see the machete in his hand as he was scooching over. And at that point I drew my weapon out -- my firearm, because I had seen the machete."*<sup>64</sup>

*"The comments of the call that he had just committed a 211, the fact that officers were trying to make contact with him. On the radio they had eyes on him and he continued to flee from them, so he was disobeying commands. And then I made the assumption that he had just stolen this vehicle from -- from a person."*<sup>65</sup>

### Second Occurrence

According to Officer Welch, immediately after Pinnock attempted to flee in the Lexus sedan, he was involved in a traffic collision. Officer Welch redeployed to where Pinnock had collided and gave commands for Pinnock to get on the ground. Officer Welch observed Pinnock exit the Lexus while still holding the machete. Pinnock was disobeying commands that were being given by additional officers. Officer Welch drew her service pistol in order to protect herself and other officers in case Pinnock decided to approach them.

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<sup>62</sup> Padilla, Page 18, Lines 21-22.

<sup>63</sup> *Id.*, Page 18, Line 25 – Page 19, Line 5.

<sup>64</sup> Welch, Page 10, Lines 17-21.

<sup>65</sup> *Id.*, Page 40 Lines 1-7.

Officer Welch recalled,

*"At that point I holstered my weapon, and I kind of ran over near where he had TC'ed, and then I drew my weapon again, and I gave commands for the suspect to get on the ground -- a verbal command. And the suspect then exited the vehicle and he kind of just stood there with his back to the vehicle, so he was facing southbound McCadden and he still had the machete in his hand."*<sup>66</sup>

*"I holstered after he drove -- after he drove past me. I holstered and then I moved and then I unholstered again."*<sup>67</sup>

*"I unholstered again because he was still holding the machete and he was disobeying commands and he had just carjacked someone, so I was -- to protect ourselves if he came at us."*<sup>68</sup>

### Third Occurrence

According to Officer Welch, she and her partner were following Officer Brady, east on Sunset Boulevard. She observed Pinnock with the machete in his hand, raised up in the air, as Pinnock was charging Officer Brady. Officer Brady was backpedaling west on the north sidewalk of Sunset Boulevard. Officer Welch drew her service pistol based on the imminent threat Pinnock presented as he was aggressively charging Officer Brady while armed with a machete.

Officer Welch recalled, *"So Brady was moving backwards on the sidewalk and then into the street as he -- I heard approximately four to five gunshots. And then I was continuing to move in their direction. I had my gun at a low ready and my finger was on the frame. And I saw Brady fall in the middle of the street. And at that point the suspect, from what it looked like to me, was just inches away from Brady kind of standing over him with the machete raised in his hand as Brady had fallen onto his back."*<sup>69</sup>

*"I did. I unholstered when I got to the south -- I'm sorry -- the north sidewalk of Sunset Boulevard."*<sup>70</sup>

*"Yes. I unholstered because as soon as I got to that sidewalk, I saw the suspect with the machete in his hand raised up in the air -- I believe it was his right hand --*

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<sup>66</sup> Welch, Page 11, Lines 10-17.

<sup>67</sup> *Id.*, Page 21, Lines 11-13.

<sup>68</sup> *Id.*, Page 21, Lines 16-19.

<sup>69</sup> *Id.*, Page 14, Lines 5-14.

<sup>70</sup> *Id.*, Page 28, Lines 17-19.

*raised in the air and he was charging Officer Brady, who was backpedaling at that point.*<sup>71</sup>

*"I believe Officer Brady was maybe -- maybe 30 feet east of me, and the suspect was -- he was closing distance on Officer Brady. So I believe when I first arrived, he was maybe 15 feet from Officer Brady -- east of Officer Brady."*<sup>72</sup>

### **Officer Frias**

According to Officer Frias, he had knowledge that Pinnock was armed with a machete. As he exited his police vehicle and encountered Pinnock, Officer Frias drew his service pistol based on his belief that the tactical situation would escalate to the use of deadly force at that particular time.

Officer Frias recalled, *"Once we got off and approached where the suspect was. Just knowing that he was armed with a machete, I unholstered it because -- just in case the tactical situation would escalate to the use of deadly force at that particular time."*<sup>73</sup>

*"I unholstered when I first approached because I couldn't -- I couldn't see the suspect at that point and --"*<sup>74</sup>

### **Officer Smyth**

According to Officer Smyth, he observed Pinnock walking north on the west sidewalk of McCadden Place. As Officer Smyth exited his police vehicle, he observed Pinnock start walking towards him from approximately 15 feet away. Officer Smyth observed Pinnock armed with a machete in his hand and drew his service pistol based on his belief the situation could escalate to the point where deadly force may be justified. Officer Smyth immediately began directing Pinnock to drop the machete.

Officer Smyth recalled, *"He initially starts walking towards me from approximately 15 feet. He has a machete in his hand. I immediately draw my firearm. At that point, I drew because I believed the situation could escalate to the point where deadly force may be justified, and I started giving him commands, telling him to, hey, get back, put the -- put the -- the knife down."*<sup>75</sup>

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<sup>71</sup> Welch, Page 28, Line 23 – Page 29, Line 3.

<sup>72</sup> *Id.*, Page 29, Lines 11-15.

<sup>73</sup> Frias, Page 20, Lines 6-10.

<sup>74</sup> *Id.*, Page 29, Lines 23-25.

<sup>75</sup> Smyth, Page 7, Lines 1-7.

*"I can't remember the exact words he stated but he was like, "you're going to have to shoot -- shoot me, shoot me," and he was motioning the -- with the weapon, the machete towards me at the point where I believe that fearing for my safety, that I needed to withdraw, number -- pull out my firearm, number one, and also, redeploy based on his -- I wanted to give him time and space."*<sup>76</sup>

*"I pulled out my firearm and I had it in a low-ready. I believe I was giving him directions to drop the gun, or not to drop the gun, to drop the machete."*<sup>77</sup>

*"Not at -- from the way that I was standing, no, there was no option because the way that he was coming, it was an immediate threat to me, and I felt that I needed to pull out my firearm, and it was the only didn't come to any exigency."*<sup>78</sup>

### **Officer Anaya**

According to Officer Anaya, as he deployed out of his vehicle and moved north on McCadden Place, he initially deployed a 40mm LLL. As Pinnock moved west into the drive-through, Officer Anaya followed after Pinnock. Officer Anaya drew his service pistol based on his belief that the situation would raise to the level of deadly force. Officer Anaya observed Pinnock still armed with a machete and walking towards a black Lexus sedan. Additionally, Officer Anaya wanted to make sure he could address any deadly issues with deadly force.

Officer Anaya recalled, *"I kind of pried that and saw him walking towards another car, a black -- I believe it was black, a Lexus that was in the drive-through. In that moment, I 1 unholstered because I believe the situation -- he was still armed with a machete, and I thought it would raise to the level of deadly force or it could. I also realized I was point, so I had -- I had a less lethal option, but being point, I wanted to make sure I could address any deadly issues with deadly force. So I -- so I deployed my -- my handgun for that reason. I still had just small obstacles that I was using as -- as concealment and something to keep between me and him, some type of barrier."*<sup>79</sup>

### **Officer Martinez**

#### First Occurrence

According to Officer Martinez, she observed Pinnock walking northbound on McCadden Place on the west sidewalk with a machete. Officer Martinez observed

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<sup>76</sup> Smyth, Page 16, Lines 7-14.

<sup>77</sup> *Id.*, Page 17, Lines 6-9.

<sup>78</sup> *Id.*, Page 17, Line 25 – Page 18, Line 3.

<sup>79</sup> Welch, Page 7, Line 24 – Page 8, Line 11.

Pinnock turn around and wave the machete. Officer Martinez drew her service pistol, based on the fact that Pinnock was armed with a machete and to protect the officers and others due to the threat Pinnock presented and not knowing exactly what Pinnock was going to do.

Officer Martinez recalled, *"We responded to a radio call of a 211 where another unit had already been responding to that. When we got there, we saw -- I saw the suspect walking northbound on McCadden on the west side with a machete. As we saw 1 that, we got out of the car. We approached the suspect. I drew my gun. My partner -- my partner had the 40. As we approach, the suspect turned around and waved the machete, and that's when we kind of backed a little bit down, and then he continued walking towards Chick-fil-A."*<sup>80</sup>

*"Yes, because I saw the suspect with a -- with a machete. I didn't -- it's mostly for, well, to protect us and others so we didn't know exactly what he was going to do... At first, he was holding it and walking with it. Now, when we approach and he saw that, he turned around and waved the -- waved the machete at us."*<sup>81</sup>

### Second Occurrence

According to Officer Martinez, immediately after she responded to the scene of the OIS, she drew her service pistol based on the fact that Pinnock still had the machete underneath him and she wanted to provide lethal cover for the officers at scene, since Pinnock had not yet been taken into custody.

Officer Martinez recalled, *"The shooting had already happened. I did draw my gun again. I -- I was so tunnel vision, I didn't realize if there was any people across me. I was -- in my mind, I was -- I was cover. I was cover until I did -- I holstered back. I put a -- I was going to put on gloves thinking that it was going help too, but I realized that I -- I realized that they didn't -- they had already people going to go up there."*<sup>82</sup>

*"The sus -- I -- the suspect still had the machete underneath him, so he wasn't cuffed yet. We didn't know until he was cuffed, then I was going to holster back again."*<sup>83</sup>

*"In my mind, that's what I was 1 thinking just because I didn't know what was going on. So, and I was in another side so I had to make sure I still had cover just doing my part still."*<sup>84</sup>

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<sup>80</sup> Martinez, Page 5, Line 23 – Page 6, Line 7.

<sup>81</sup> *Id.*, Page 8, Lines 4-7 and Lines 10-13.

<sup>82</sup> *Id.*, Page 7, Lines 2-9.

<sup>83</sup> *Id.*, Page 18, Lines 12-15.

<sup>84</sup> *Id.*, Page 19, Lines 1-4.

### Third Occurrence

According to Officer Martinez, she briefly holstered her service pistol in order to put on gloves to help take Pinnock into custody. Officer Martinez observed that the machete was still underneath Pinnock and that additional officers at scene had already donned gloves and were intending to make contact with Pinnock. Officer Martinez drew her service pistol in order to once again provide lethal cover.

Officer Martinez recalled, *"So I unholster again to -- to be cover until they handcuff -- until they handcuff the suspect. And also, because I knew that the machete was still underneath him."*<sup>85</sup>

*"I holster to put on gloves. I thought I was going to -- I -- I -- I saw people putting gloves and going to go, and I thought like I was going to help out my partner. I did see my partner that was going to go in, but I saw like at least two or three officers. And I'm not sure how many, but then I then decided not to and just keep cover."*<sup>86</sup>

### **Officer Coronado**

#### First Occurrence

According to Officer Coronado, as he arrived on scene, he observed Pinnock holding a machete, a big, long huge knife, and another knife in his left hand. Officer Coronado drew his service pistol based on his belief that Pinnock was actively trying to evade officers and Pinnock had two knives. Additionally, Officer Coronado was scared that Pinnock was going to approach one of the officers and may try to swing the knife at them.

Officer Coronado recalled, *"As I pulled forward, I see a male black. I see him holding a machete, a big, long huge knife, and another knife in his, which would be his I guess left hand. I pull forward. I exited the vehicle. I unholstered. I unholstered because I believe that he's holding a knife. He's actively trying to evade officers. He has two knives. I was scared that he was going to approach one of us and probably swing the knife at us."*<sup>87</sup>

*"In between like low-ready, high ready, just because of the door and how it's open and it's obviously higher than I am at a low-ready and be facing the panel. So it was in between the door and the frame of the vehicle."*<sup>88</sup>

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<sup>85</sup> Martinez, Page 7, Lines 10-13.

<sup>86</sup> *Id.*, Page 20, Lines 19-25.

<sup>87</sup> Coronado, Page 9, Lines 17-25.

<sup>88</sup> *Id.*, Page 14, Lines 19-23.

### Second Occurrence

According to Officer Coronado, as he approached the Lexus sedan, he observed Pinnock actively getting into a Lexus with an individual still in the driver's seat. Coronado believed that Pinnock, still armed with a machete, might cause harm to the driver of the Lexus or officers that were approaching the Lexus and drew his service pistol.

Officer Coronado recalled, *"Because at that particular moment, I see him actively getting into the car. He still has the machete in one hand, and there's an individual in the driver's seat. And I was scared that if they had got in the vehicle with a knife, that maybe he might cause harm to the person in the vehicle or the officers that were approaching the vehicle."*<sup>89</sup>

### Third Occurrence

According to Officer Coronado, immediately following Pinnock's traffic collision, he followed after Pinnock and observed Pinnock still armed and actively resisting. Officer Coronado drew his service pistol based on his observation that Pinnock still had the machete and was a threat to the officers in area.

Officer Coronado recalled, *"He's still armed. He's actively resisting. And I'm still -- at that point, I'm still cleared for, obviously, myself, my partner, and my other fellow officers who are there. But yet he still has the -- the machete."*<sup>90</sup>

*"He was -- he still had the machete in his hand. And I remember him like still trying to get out of the vehicle. I couldn't see to the rear of the vehicle that he TC'ed into, but it seemed like he was kind of pinned a little bit close into the black-and-white, and I was under the assumption that maybe we can use him in the black-and-white that he pinned against to as containment, but he still was trying to evade and get out of the -- the driver's seat."*<sup>91</sup>

### Fourth Occurrence

According to Officer Coronado, as he exited his vehicle upon his arrival at the scene of the OIS, he observed that Pinnock was not in handcuffs and he didn't know if the knife was under Pinnock or underneath the car. Based on Officer Coronado's his belief that Pinnock was still a potential threat and he was unable to see the weapons Pinnock had been armed with, Officer Coronado drew his service pistol.

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<sup>89</sup> Coronado, Page 12, Lines 5-11.

<sup>90</sup> *Id.*, Page 20, Lines 7-11.

<sup>91</sup> *Id.*, Page 20, Lines 15-23.



Officer Coronado recalled, *"He still wasn't in handcuffs. I didn't know where the knife was at, so I didn't know if the knife was under him or underneath the car. And it was in close proximity for him to reach the knife if he wasn't subdued, so for those reasons, I still felt I was in fear, so I had my pistol out."*<sup>92</sup>

## **Officer Dominguez**

### First Occurrence

According to Officer Dominguez, he drew his service pistol as soon as he got out of his police vehicle because Pinnock had the machete in his hand and Officer Dominguez was afraid Pinnock was going to attack him and his partner or somebody else. Officer Dominguez felt the situation could escalate to the need of possible deadly force.

Officer Dominguez recalled, *"He has a machete in his hand, you know? I'm afraid for -- he's going to attack us, attack somebody else. Just felt that, you know, the situation will arise to -- to the need of possible deadly force, you know?"*<sup>93</sup>

*"So when we're exiting the vehicle and the suspect is stopped right in the area of the -- he's still on the sidewalk, but right in the area of the trash cans where the Chick-fil-A is at. I unholstered and there's officers in front of me, so reholstered."*<sup>94</sup>

*"As soon as I got out of the vehicle."*<sup>95</sup>

### Second Occurrence

According to Officer Dominguez, while he was in the parking lot of the Chick-fil-A, he drew his service pistol because of Pinnock's actions and Pinnock not following the officers' instructions. Pinnock still had the machete in his hands and Officer Dominguez believed the situation could escalate to the use of deadly force based on the potential for great bodily injury to somebody else.

**Note:** According to Officer Dominguez, he was unsure if he drew his service pistol two or three times after his initial drawing.

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<sup>92</sup> Coronado, Page 27, Lines 9-13.

<sup>93</sup> Dominguez, Page 21, Lines 9-13.

<sup>94</sup> *Id.*, Page 20, Lines 18-23.

<sup>95</sup> *Id.*, Page 20, Lines 12-13.

Officer Dominguez recalled, *"Just because I saw the suspect actions -- he wasn't following our directions, has the machete in his hand, and I believe that it could escalate to, you know, deadly force, great bodily injury to somebody else."*<sup>96</sup>

*"It was throughout that incident in the parking lot area of the Chick-fil-A."*<sup>97</sup>

The UOFRB conducted a diligent and individual assessment of each officer's articulation regarding their decision to draw and exhibit their service pistols. The UOFRB conducted a thorough evaluation of the reasonableness of Officers Brady, Padilla, Welch, Frias, Smyth, Anaya, Martinez, Coronado, and Dominguez's Drawing/Exhibiting of their service pistols.

The UOFRB noted that based on the initial radio call broadcast by CD regarding a robbery suspect armed with a machete, all the responding officers had knowledge that Pinnock was armed. The UOFRB considered that when Officer Dominguez and his partner were directed to Pinnock by Witness Barrios, they broadcast their location on McCadden Place north of De Longpre Avenue and advised responding units that Pinnock was armed with a machete. As the additional officers arrived at scene, they observed Pinnock armed with the machete and drew their service pistols at various times throughout the incident.

The UOFRB noted Pinnock was armed with the machete throughout the entirety of the encounter and was non-compliant and mostly unresponsive. The UOFRB considered Pinnock's statement, "shoot me," to Officer Anaya as Pinnock attempted his carjacking, in a potential attempt to provoke an OIS. Officers had knowledge that Pinnock had just committed a robbery, was armed with a machete, and observed him brazenly commit a carjacking in front of them in a very congested pedestrian area near Sunset Boulevard. Additionally, Officers observed Pinnock recklessly drive out of the drive-through and collide with multiple police vehicles. Pinnock exited the Lexus armed with his machete, did not respond to commands to stop or drop the machete, and fled east on Sunset Boulevard. Pinnock then suddenly stopped, turned, and charged Officer Brady in an aggressive and hostile manner leading to an OIS.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officers Brady, Padilla, Welch, Frias, Smyth, Anaya, Martinez, Coronado, and Dominguez's, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

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<sup>96</sup> Dominguez, Page 45, Lines 13-17.

<sup>97</sup> *Id.*, Page 44, Lines 19-20.

Therefore, the Chief found Officers Brady, Padilla, Welch, Frias, Smyth, Anaya, Martinez, Coronado, and Dominguez's Drawing/Exhibiting to be In-Policy, No Further Action.

## **Use of Force – General<sup>98</sup>**

*It is the policy of this Department that officers may use only that force which is "objectively reasonable" to:*

- *Defend themselves;*
- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance*

*The Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:*

- *The seriousness of the crime or suspected offense;*
  - *The level of threat or resistance presented by the subject;*
  - *Whether the subject was posing an immediate threat to officers or a danger to the community;*
  - *The potential for injury to citizens, officers or subjects;*
  - *The risk or apparent attempt by the subject to escape;*
  - *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
  - *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
  - *The availability of other resources;*
  - *The training and experience of the officer;*
  - *The proximity or access of weapons to the subject;*
  - *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
  - *The environmental factors and/or other exigent circumstances.*
- (Los Angeles Police Department Manual, Volume 1, Section 556.10)*

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<sup>98</sup> Special Order No. 4, 2020 – Policy on the Use of Force - Revised, was adopted by the Department on February 5, 2020, after this incident occurred.

## Less-Lethal Use of Force<sup>99</sup>

- *Whenever practicable, officers shall exercise de-escalation techniques to resolve potential use of force incidents and seek voluntary compliance from suspects/subjects.*

*The courts have held that Less-Lethal force options are “capable of inflicting significant pain and may cause serious injury.” Therefore, consistent with the Department’s Use of Force Policy, Less-Lethal force options are only permissible when:*

- *An officer reasonably believes the suspect or subject is violently resisting arrest or poses an immediate threat of violence or physical harm.*

*Less-Lethal force options shall not be used for a suspect or subject who is passively resisting or merely failing to comply with commands. Verbal threats of violence or mere non-compliance by a suspect do not alone justify the use of Less-Lethal force.*

**TASER:** *An officer may use the TASER as a reasonable force option to control a suspect when the suspect poses an immediate threat to the safety of the officer or others.*

*Because the Department recognizes that each tactical situation is unique and that officers must be given the flexibility to resolve tactical situations in the field, there is no pre-set limit on the number of times the TASER can be used in a particular situation; however, officers should generally avoid repeated or simultaneous activations to avoid potential injury to the suspect. The Department looks to the “objectively reasonable” standard and the totality of the circumstances in determining the reasonableness of the force used, which may include the number of times a particular force option was utilized. Thus, officers must continually evaluate the situation they are in and the apparent effectiveness of the force option they have selected. If the force option they have selected does not appear to be effective, officers should consider transitioning to another, and potentially more effective, objectively reasonable force option.*

*The optimal range for the X-26 TASER is 7-15 feet. This range gives the most effective spread of the probes to accomplish neuro-muscular incapacitation (Los Angeles Police Department Use of Force Tactics Directive No. 4.5, Electronic Control Device TASER –July 2018).*

**Beanbag Shotgun:** *An officer may use the Beanbag Shotgun as a reasonable force option to control a suspect when the suspect poses an immediate threat to the safety of the officer or others.*

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<sup>99</sup> Los Angeles Police Department Manual, Volume 1, Section 556.10.

*For tactical and weapon retention purposes, the recommended deployment range for the Beanbag Shotgun is five feet to 45 feet. The primary target area is the navel area or belt line, but officers may target the suspect's arms, hands or legs when practicable (Los Angeles Police Department Use of Force Tactics Directive No. 6.3, Beanbag Shotgun – July 2018).*

**40mm LLL:** *An officer may use the 40mm Less-Lethal Launcher (40mm LLL) as a reasonable force option to control a suspect when the suspect poses an immediate threat to the safety of the officer or others.*

*The 40mm LLL shall not be used to target the head, neck, face, eyes, or spine unless lethal force is authorized. The minimum recommended deployment range for the 40mm LLL is five feet, while the effective deployment range is up to 110 feet. Officers should always consider weapon retention principles when deploying the 40mm LLL to prevent a subject/suspect from gaining control of the launcher (Los Angeles Police Department Use of Force Tactics Directive No. 17, 40mm Less-Lethal Launcher – July 2018).*

**Officer Smyth** – One TASER activation, in probe mode.

TASER Activation – One two-second activation in probe mode, from an approximate distance of two feet.<sup>100</sup>

According to Officer Smyth, he observed Pinnock making his way across to the driver's side of the Lexus sedan. Officer Smyth's intention was to stop Pinnock from gaining dominion and control of the Lexus and keep him contained in that parking lot. Officer Smyth believed the Lexus was in park and it would take Pinnock a moment to gain control of the vehicle. Officer Smyth's goal was to prevent Pinnock from driving off, which Officer Smith believed could cause more mayhem and possibly lead to a dangerous vehicle pursuit. Officer Smyth deployed his TASER and activated it one time in probe mode, through the Lexus' open driver's side window while aiming for the naval area, in order to cause Pinnock to clench up and avoid him gaining control of the Lexus. Additionally, Officer Smyth did not believe he had the time to issue Pinnock a use of force warning due to the exigent nature of Pinnock's deadly actions.

Officer Smyth recalled, *"The suspect was making his way across to the driver's side of the -- of the vehicle, at which point in time, I -- I knew I had to try to stop him from getting dominion and control of that vehicle. I wanted to keep him contained in that - in that parking lot. I withdrew my Taser, and I deployed it to the driver's side window which was open because he had it open because of the drive-through. I was aiming for the naval area trying to just get a center mass hit to prevent the*

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<sup>100</sup> According to the FID investigation, Officer Smyth believed he was approximately eight feet away from Pinnock when he discharged the TASER. He believed that the probes entered the vehicle through the open window but did not know if they ultimately made contact with Pinnock.

*vehicle from -- prevent him from gaining control of that vehicle prior to that vehicle driving.”<sup>101</sup>*

*“As the suspect was getting across to the driver's seat, I -- my -- my intent was to, again, keep him contained from -- from leaving the area, so my thought in my head was to use a less lethal to -- and the only less lethal I had that was effective at my point is my Taser, and that I could tase him and prevent him from driving off with the vehicle which would cause more mayhem and also get in a pursuit.”<sup>102</sup>*

*“... but due to the exigency of him trying to get control of that vehicle, I knew that one effective way is, at least in my experience in the past has been a Taser, so I tried to use an effective weapon system to shut him down, so I pulled it out. And I guess in the fluidity of the adrenalin, I -- I didn't holster my firearm.”<sup>103</sup>*

*“Due to the exigent nature of me trying to prevent the individual from gain coming to the vehicle control of the actual car itself, I didn't have time to warn him that he was going to get tased.”<sup>104</sup>*

*“I fired the Taser to prevent the suspect from gaining access to that vehicle where he could possibly hit officers or other individuals, and all that because I believe that if we did, based on his circumstances and then what he was doing at that point, he would be physically like -- like he would be physically -- it would be an imminent threat of harm to anyone around.”<sup>105</sup>*

*“It would have caused him to clench up, and my goal was prior to him, I knew the vehicle was in park because the driver got out of the vehicle and was able to -- the vehicle didn't move at that point, so my thought in my head was if I tase him right now, I'll prevent him from being able to use the vehicle, and like tasing him, it would stop him, and hopefully, I'd be able to grab an arm to put him in handcuffs and on the car.”<sup>106</sup>*

*“I did not believe, based on me coming to that determination that I need to use it, and knowing that the vehicle was in park, that the this is a new vehicle, he wasn't familiar with the -- the driving maybe -- some vehicles are complicated -- that I had a possibility of me stopping him from driving on.”<sup>107</sup>*

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<sup>101</sup> Smyth, Page 8, Line 15 – Page 9, Line 1.

<sup>102</sup> *Id.*, Page 25, Line 19 – Page 26, Line 1.

<sup>103</sup> *Id.*, Page 27, Lines 14-21.

<sup>104</sup> *Id.*, Page 36, Line 23 – Page 37, Line 2.

<sup>105</sup> *Id.*, Page 38, Lines 3-10.

<sup>106</sup> *Id.*, Page 38, Lines 15-23.

<sup>107</sup> Smyth, Page 39, Lines 7-13.

*"When I initially -- when I fired the Taser, he was in like approaching the driver's seat. Like he was almost like right in, and it appeared that he was like still moving but really close to the driver's seat, and I -- and I --"*<sup>108</sup>

*"I was just aiming at his center mass, like in just in the middle. I was just attempting really quickly to just tase him there."*<sup>109</sup>

In this case, the UOFRB considered several factors during their assessment of the use of the TASER by Officer Smyth. The UOFRB considered the knowledge known to Officer Smyth at the time of his TASER activation. Officer Smyth believed Pinnock to be armed with a machete based on the comments of the radio call broadcasted by CD and observed Pinnock with the machete upon his arrival to the scene. The UOFRB noted when Officer Smyth tactically positioned his police vehicle to contain Pinnock and prevent him from continuing north to Sunset Blvd, Officer Smyth believed he heard Pinnock state, "shoot me," and intended to provoke an OIS.

Pinnock was non-compliant and began moving into the Chick-fil-A drive-through armed with the machete, in defiance of officers' commands to stop and drop the machete. The UOFRB noted the tactical situation was dynamic and rapidly evolving due to the erratic and aggressive actions of Pinnock, who rapidly approached a Lexus sedan in the drive-through of Chick-fil-A, opened the door of the occupied Lexus sedan, and proceeded to commit a violent carjacking. Officer Smyth observed Pinnock brazenly commit a crime in front of numerous officers and endanger members of the public. Officer Smyth closed the distance on Pinnock in an attempt to contain Pinnock and prevent his dangerous actions.

The UOFRB noted that the Lexus sedan Pinnock was in the process of a carjacking, was stopped, and Pinnock moved from the front passenger's seat into the driver's seat in a swift manner. The UOFRB was critical of Officer Smyth's positioning between the narrow area between the Lexus and the south wall of the Chick-fil-A restaurant. However, the UOFRB considered Officer Smyth's proximity to Pinnock and his intention to utilize the TASER in an attempt to prevent Pinnock from gaining control of the Lexus and utilizing it as a weapon, potentially further endangering officers and the public. The UOFRB noted Officer Smyth believed that Pinnock would take a few moments to familiarize himself with a new vehicle and Officer's Smyth's attempt to utilize those few moments to incapacitate Pinnock utilizing the TASER. The UOFRB opined Officer Smyth utilized the few moments he had to take immediate action and providing a verbal warning was not feasible in this circumstance. The UOFRB noted the investigation had revealed Officer Smyth had activated his TASER just prior to Pinnock gaining control of the vehicle and fleeing. The UOFRB discussed that when practical, officers should avoid using the TASER on individuals who are operating or riding any mode of transportation and noted

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<sup>108</sup> Smyth, Page 46, Lines 3-7

<sup>109</sup> *Id.*, Page 46, Lines 21-23.

Officer's Smyth's belief that Pinnock had not established control of the vehicle at the time he activated his TASER.<sup>110</sup>

Based upon the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officer Smyth, while faced with similar circumstances, would believe the application of the TASER to stop Pinnock's actions was objectively reasonable.

Therefore, the Chief found Officer Smyth's Less-Lethal Use of Force utilizing the TASER to be objectively reasonable and In Policy, No Further Action.

**Officer Frias** – Beanbag Shotgun, one Super-Sock round from an approximate distance of ten feet.

According to Officer Frias, immediately after Pinnock drove off and became involved in the traffic collisions, Officer Frias followed after Pinnock and took a position of cover behind the front hood of his black and white police vehicle. Officer Frias observed Pinnock exit the Lexus sedan while still holding the machete. Officer Frias believed Pinnock was unsafe to approach and believed his Beanbag Shotgun was a good tool to use as a less lethal option. Officer Frias believed Pinnock appeared to be agitated and was going to flee from the location. Based on Pinnock being armed with a machete, utilizing the machete in the commission of a robbery, and the threat Pinnock presented to officers and the community, Officer Frias, while targeting Pinnock's naval area, discharged one Super-Sock round from his Beanbag Shotgun. Officer Frias advised there was no time to give a use of force warning due to the rapidly evolving tactical situation. Officer Frias believed his Super-Sock round struck Pinnock in the right shoulder, however, it appeared to be ineffective.

Officer Frias recalled, *"We then set up around the suspect, take a position of cover behind the front hood of my black and white. The suspect exits the vehicle. He's holding the machete. He turns around seeming as he was going to flee from the location at which point, I shot him once with the bean bag. Was ineffective."*<sup>111</sup>

*"The suspect was armed with a machete, which made him unsafe to approach. So, I felt it was a good tool to use as a less lethal option, force option."*<sup>112</sup>

*"He was -- he appeared to be agitated. He you know, did move the machete around in different directions as he was talking. And again, he had already used the machete in the commission of a robbery and now he was walking towards a group of crowded people. So, I felt the need to deploy it."*<sup>113</sup>

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<sup>110</sup> Los Angeles Police Department, Use of Force-Tactics Directive, Electronic Control Device TASER, July 2018.

<sup>111</sup> Frias, Page 6, Line 25 – Page 7, Line 6.

<sup>112</sup> *Id.*, Page 12, Lines 4-7.

<sup>113</sup> *Id.*, Page 12, Lines 12-17.



*"At that point, the suspect was -- had just committed a -- had just robbed somebody from their vehicle. He had collided, he was exiting the vehicle. He was still armed with the machete and yeah, he was -- you know, he moved in a direction as if he was going to try to flee, so I deployed the TASER at that point and took the safety off so that I could try and prevent his actions."*<sup>114</sup>

*"Everything was happening so fast and there was just no time to give the warning. If -- if -- if I gave the warning, by the time it would have been done and the suspect would have been gone out of sight and it would've -- would've -- I wouldn't have been able to use the -- or use the bean bag shotgun effectively."*<sup>115</sup>

*"I'm going to say approximately maybe ten, twelve feet... It was center mass basically, the chest area... Yes, it struck him in the right shoulder."*<sup>116</sup>

*"Yes. So basically, he's turning counterclockwise position. So basically, as he is turning and I'm aiming for the abdominal, chest area, he continues that turn and by the time the round strikes him he had already turned around where the round hit him in the right shoulder."*<sup>117</sup>

In this case, the UOFRB conducted a thorough review in evaluating the reasonableness of Officer Frias' Less-Lethal Use of Force utilizing the Beanbag Shotgun. The UOFRB noted that Officer Frias was aware of the comments of the call indicating Pinnock was a robbery suspect armed with a machete. Upon his arrival to the scene, Officer Frias observed Pinnock armed with a machete and was not complying with commands to stop and drop the machete. Officer Frias deployed his Beanbag Shotgun as a potential less-lethal option and observed Pinnock commit a violent carjacking in front of him. Officer Frias observed Pinnock drive away from the Chick-fil-A drive-through in a reckless manner and collide with multiple police vehicles. The UOFRB noted Officer Frias observed that Pinnock was armed with a machete throughout the encounter, had committed a robbery, was not complying with commands by officers to drop the machete, had committed a carjacking, and had attempted to flee the location in a reckless manner.

Officer Frias followed Pinnock a short distance from the drive-through to McCadden Place, where Pinnock had been involved in a traffic collision. Officer Frias took a position of cover behind the front end of his police vehicle and observed Pinnock exit the stolen Lexus sedan, armed with the machete in an aggressive manner. Officer Frias believed Pinnock was an immediate danger to both officers and residents in the area. Officer Frias discharged one Super-Sock round from his Beanbag

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<sup>114</sup> Frias, Page 14, Lines 12-19.

<sup>115</sup> *Id.*, Page 15, Lines 2-8.

<sup>116</sup> *Id.*, Page 15, Lines 11-12, Lines 18-19, and Lines 22-23.

<sup>117</sup> Brady, Page 16, Lines 11-16.

Shotgun to stop the immediate threat posed by Pinnock. Officer Frias assessed and immediately ceased firing based on Pinnock being out of view and fleeing in a northeasterly direction onto Sunset Blvd. The UOFRB considered the limited amount of time to provide Pinnock a verbal warning prior to the discharging of the Beanbag Shotgun, based on Pinnock's sudden and aggressive exit from the Lexus sedan, and opined it was not feasible in this circumstance. Additionally, the UOFRB noted, Officer Frias discharged his Beanbag Shotgun based on his independent assessment and belief that Pinnock's actions were an immediate danger to officers and the community, and not as a result of Sergeant Williams' direction to fire the Beanbag Shotgun.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officer Frias, while faced with similar circumstances, would believe that the same application of less-lethal force would be reasonable to protect themselves and others, and to effect Pinnock's arrest.

Therefore, the Chief found Officer Frias' Less-Lethal Use of Force to be objectively reasonable and In Policy, No Further Action.

**Officer Brady** – 40mm LLL, one foam projectile from an approximate distance of approximately 15 feet.

According to Officer Brady, immediately after Pinnock attempted to flee the location in the Lexus sedan, Pinnock became involved in a traffic collision. Officer Brady followed Pinnock a short distance to where Pinnock had collided and deployed behind the cover of a black and white police vehicle. Officer Brady observed Pinnock exit the Lexus while holding the machete in an aggressive manner. After exiting the vehicle, Pinnock faced south, then faced and took a step towards Officer Brady's direction. Officer Brady fired one 40mm foam projectile from a standing position at Pinnock due to his aggressive combative behavior towards the officers and the imminent threat of serious bodily injury to the officers and public in the area. Officer Brady advised that Pinnock's sudden exit from the Lexus did not allow time to issue a use of force warning or any commands, noting that Pinnock had ignored all prior commands issued to him by officers. Additionally, Officer Brady believed his 40mm LLL foam projectile struck Pinnock in the chest area, but it was ineffective.

Officer Brady recalled, *"I saw another officer in front of me. He was already in front of the vehicle with lethal, so I redeployed behind a shop nearby and maintained cover. And as soon as the suspect came out, he came out with a machete and just - there was no time for warning. He took a couple steps, and at that point, I hit him with the 40. It didn't affect him at all. After the 40-millimeter, after I hit him with the 40-millimeter launcher, he immediately ran northbound on, crossed Sunset between all lanes of traffic."*<sup>118</sup>

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<sup>118</sup> Brady, Page 11, Lines 6-16.

*"So when I deployed back to cover, he was still in the vehicle. And that's when the door opened. That's when he exited the vehicle... So my -- what I saw was he got out of the vehicle and had the machete in his hand... Facing southbound. He's facing down McCadden, south of McCadden. So he just turned his body. He was facing southbound, southeast. So he was facing towards me."*<sup>119</sup>

*"When he was in the drive-through, I know there was a lot of commands going. He refused all the commands. At this point, when he got out of the vehicle, it just happened so fast, there was no -- I -- I didn't give him a command. He got out, sprung up, and at that point, I hit him with the 40-millimeter."*<sup>120</sup>

*"Once he got out of the vehicle and I saw him stand up and he had the machete in his hand in an aggressive manner, that's when I hit him with the 40-millimeter."*<sup>121</sup>

*"Due to the, you know, aggressive combative towards officers, imminent threat of SBI -- SBI to the, you know, people that are in the drive-through, there was no time for -- for verbal command at that point when he got out of the vehicle. I wanted to stop the threat and hit him with the 40-millimeter, which was ineffective."*<sup>122</sup>

*"Just due to his negligence of going to the Chick-fil-A, opened a car, I believe trying to almost potentially striking the driver of the vehicle. No, you know, not thinking of public safety, the time of day, the location. He didn't care. So as soon as I had opportunity when he opened the door and he sprung with the machete, he's still in an aggressive manner which he was before, and I knew he was going to do something, I hit him with the 40 to try and stop him, but it wasn't effective."*<sup>123</sup>

*"I know when he was in the drive-through, I don't know if he was hit with a beanbag, but I know non-lethal was also used while he was in the drive-through. I know he -- I know a Taser was discharged. Since the very beginning, de-escalation was being utilized, verbal commands nonstop until he got to the vehicle, which was still not effective. He was not listening to our commands, which was when other officers utilized the non-lethal option. I saw a Taser go off. I don't know what else went off, but when I used the 40-millimeter, it was still ineffective, so --"*<sup>124</sup>

In this case, the UOFRB conducted a thorough review in evaluating the reasonableness of Officer Brady's Less-Lethal Use of Force utilizing the 40mm LLL.

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<sup>119</sup> Brady, Page 37, Lines 9-11, Lines 18-19, and Lines 22-25.

<sup>120</sup> *Id.*, Page 38, Lines 8-14.

<sup>121</sup> *Id.*, Page 38, Lines 18-21.

<sup>122</sup> *Id.*, Page 39, Lines 2-8.

<sup>123</sup> *Id.*, Page 39, Line 25 – Page 40, Line 9.

<sup>124</sup> *Id.*, Page 41, Lines 6-17.

The UOFRB noted that Officer Brady was aware of the comments of the call indicating Pinnock was a robbery suspect armed with a machete. Upon his arrival to the scene, Officer Brady observed Pinnock armed with a machete and moving west in the Chick-fil-A drive-through in an aggressive manner towards a Lexus sedan. Officer Brady was provided a 40mm LLL from Officer Anaya who was the officer nearest to Pinnock and providing commands to Pinnock to stop and drop the machete. The UOFRB noted once Officer Brady received the 40mm LLL, he assumed the duties of the less-lethal officer and attempted to get into position to utilize the 40mm LLL. Officer Brady observed Pinnock commit a violent carjacking in front of him, drive away from the Chick-fil-A drive-through in a reckless manner, and collide with multiple police vehicles. The UOFRB noted Officer Brady observed that Pinnock was armed with a machete throughout the encounter, had committed a robbery, was not complying with commands by officers to drop the machete, had committed a violent carjacking, and attempted to flee the location in a reckless manner.

Officer Brady followed Pinnock a short distance from the drive-through to McCadden Place, where Pinnock had been involved in a traffic collision. Officer Brady took a position of cover behind the rear of a police vehicle, in a southeasterly position from the Lexus sedan. Officer Brady observed Pinnock exit the stolen Lexus sedan armed with the machete in a rapid and aggressive manner. Officer Brady fired one foam projectile from his 40mm LLL to stop the imminent threat posed by Pinnock to himself, other officers, and the community. Officer Brady assessed the 40mm LLL had no effect on Pinnock. As Pinnock fled in a northeasterly direction, Officer Brady began reloading his 40mm LLL as he followed after Pinnock. The UOFRB considered the limited amount of time to provide Pinnock a verbal warning prior to the discharging of the 40mm LLL, noted Pinnock's sudden and aggressive exit from the Lexus sedan, and opined it was not feasible in this circumstance. Additionally, the UOFRB noted based on the investigation that both the Beanbag Shotgun and the 40mm LL were fired simultaneously.

Based on the totality of the circumstances the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officer Brady, while faced with similar circumstances, would believe that the same application of less-lethal force would be reasonable to protect themselves and others, and to effect Pinnock's arrest.

Therefore, the Chief found Officer Brady's Less-Lethal Use of Force utilizing the 40mm LLL to be objectively reasonable and In Policy, No Further Action.

## **Lethal Use of Force**

- *Law enforcement officers are authorized to use deadly force to:*
  - *Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*

- *Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*
- *Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury (Los Angeles Police Department Manual, Volume No.1, Section 556.10).*

**Officer Brady** – 9mm, 12 rounds fired in three volleys of fire, from a decreasing distance of approximately 20 to 2 feet.

**Volley One** – Six rounds fired in an easterly to northeasterly direction from an approximate decreasing distance of 20 to 3 feet.

According to Officer Brady, he followed after Pinnock as Pinnock fled in a northeast direction on Sunset Boulevard in order to maintain visual contact of Pinnock, who was still armed with a machete. As Officer Brady continued to follow east behind Pinnock on the north sidewalk of Sunset Boulevard, he observed Pinnock slow down to a stop, turn around and focus on him. Officer Brady believed Pinnock was approximately 35 to 40 feet from him when Pinnock began running, sprinting towards him, holding the machete in a swinging position. Officer Brady moved backwards, to maintain distance from a charging Pinnock. Officer Brady stated Pinnock gained distance on him very quickly leading Officer Brady to be in fear for his life. Based on the imminent threat presented by Pinnock's aggressive actions, Officer Brady believed he had to act and proceeded to fire six rounds from his service pistol, at Pinnock's center mass area. Officer Brady assessed after each round to see if he Pinnock would stop, drop the machete, or if the threat would stop or slow down at all. However, Officer Brady observed that though he was firing at Pinnock, Pinnock was still charging towards him and it didn't stop Pinnock.

Officer Brady recalled, *"Either drop the machete or not. I don't remember. But he stopped. He turned around. I was maybe 35, 40 feet. And then at this point, he just turned around and just came to a full on sprint towards me. Before I can even say anything, I don't -- I don't remember if I did or not, he was probably within 15 feet, and that's when I fired my first shot. I don't remember how many shots. I don't -- I don't remember how many shots I shot exactly at this point or at this time. All I know is when I did, it didn't stop him. He was still charging towards me."*<sup>125</sup>

*"So he came to a slow, or to a stop. I forget. And that's when he turned around. And when he turned around is when he sprinted straight towards me. Yeah."*<sup>126</sup>

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<sup>125</sup> Brady, Page 15, Lines 9-19.

<sup>126</sup> *Id.*, Page 48, Lines 16-19.

*"First round, when he was sprinting towards me, it just happened so fast. I didn't know. It was -- it was like an instant. His sprinting, he gained distance so fast, at first, I -- I was in fear for my life. He had the machete in his hand almost in like a swinging manner, from what I remember, looking right in my eyes coming right towards me. At the point where I knew I had to act, I had to fire my first shot, which did not stop him. I don't remember how many shots I fired on the sidewalk, but every shot I fired, he was still charging towards me. So he was still -- he was still going."*<sup>127</sup>

*"Swinging motion. I mean swinging motion I mean by he had a machete, from what I remember, not swinging but like in a -- in a swinging position, swinging motion."*<sup>128</sup>  
*My target area was center mass. That's -- I don't -- that's where I had. That's what was right in front of me. And that's what I was aiming for."*<sup>129</sup>

*"I thought six to eight."*<sup>130</sup>

*"So when he sprinted towards me and I fired my first round, there was a large -- a large, I don't know, tree, a palm tree to my right. And that was the cover available to me that I had at the time. So as he was charging towards me, I stepped off to my right to go around the -- around the tree, a palm tree. I don't know. And I stepped off the curb. And that's when I lost my footing when I side stepped off the curb to go on the -- the cover."*<sup>131</sup>

*"After -- after every shot, I was assessing to see if he would drop the machete or stop, or if the threat would stop or slow down at all. So that's what I was assessing after each shot. Nothing was working. So he -- it was the same -- his actions were the same the entire time. Nothing was -- any shot was -- was not doing anything to him."*<sup>132</sup>

*"Yeah. The distance he covered is really fast. A pretty long distance at a really short amount of time."*<sup>133</sup>

*"The suspect's still charging towards me... With the machete in his hand, still sprinting towards me... He's still running, sprinting, towards my direction."*<sup>134</sup>

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<sup>127</sup> Brady, Page 49, Lines 2-13.

<sup>128</sup> *Id.*, Page 49, Lines 18-21.

<sup>129</sup> *Id.*, Page 50, Lines 6-9.

<sup>130</sup> *Id.*, Page 50, Line 17.

<sup>131</sup> *Id.*, Page 51, Lines 11-20.

<sup>132</sup> *Id.*, Page 52, Lines 9-15.

<sup>133</sup> *Id.*, Page 53, Lines 12-14.

<sup>134</sup> *Id.*, Page 84, Lines 6-7, Lines 9-10, and Lines 12-13.

*"As soon as he turned around, blank stare, no emotion, he was looking at me the whole time... Focused on me. He was just staring at me."*<sup>135</sup>

**Volley Two** – Two rounds fired in a northerly direction, from approximately three feet.

According to Officer Brady, as he continued to back away east on the north sidewalk of Sunset Boulevard, he observed a palm tree to his right which he believed he could utilize as cover, to create distance or barrier between himself and Pinnock. As Officer Brady was moving to his right, he was moving backwards and shooting. Officer Brady observed Pinnock continue charging at him in an aggressive manner, while still armed with the machete. Based on his observations that Pinnock was armed with a machete and charging at him, Officer Brady believed Pinnock to be an imminent threat and proceeded to fire two additional rounds as he moved backwards in a southerly direction, off the north curb of Sunset Boulevard.

Officer Brady recalled, *"I was still facing eastbound, and I was -- I believe I was -- I was side stepping back towards my right. The palm tree is to my right just a little, I believe, just right behind me, right -- right on my right side. So I was side stepping, kind of back stepping right behind the palm tree. So I was going back to my right."*<sup>136</sup>

*"Suspect's actions were the same throughout the whole time. He was still charging at me. There was cover right next to me so I was going to deploy to cover and try and create that distance or barrier between me and the suspect."*<sup>137</sup>

*"Cover, it was -- it was right there right next to me. It was -- if I got behind that tree, he would have to go around it, and I was behind it. It's just what I had right there with me. Yeah."*<sup>138</sup>

*"So I was kind of -- I'm trying to word this right. I was moving going kind of to my right, but was moving backwards shooting. I did. In the academy, I believe we did tactics. I believe we did, shooting on the move. We did shooting on the move in the academy, side stepping, moving backwards, moving forwards. So, yes, I did receive training."*<sup>139</sup>

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<sup>135</sup> Brady, Page 85, Lines 1-2 and Lines 4-5.

<sup>136</sup> *Id.*, Page 53, Line 24 – Page 54, Line 5.

<sup>137</sup> *Id.*, Page 54, Lines 8-12.

<sup>138</sup> *Id.*, Page 54, Line 25 – Page 55, Line 3.

<sup>139</sup> *Id.*, Page 55, Lines 11-17.

*It was. Yeah. And that's what I learned in the academy as well. We do sidestep and we do backwards motion shooting.”<sup>140</sup>*

*“When I was moving off the curb, I don't remember. I don't -- maybe one shot. I'm not too sure.”<sup>141</sup>*

*“He was still armed. So when I was deploying to my right, the suspect almost ran to my left kind of out of view, and that's why I side stepped and kind of canted myself left, facing the suspect. And when I turned left, side stepping off the curb, is when I lost my footing and I fell on the street.”<sup>142</sup>*

*“So when I lost my footing, I fell to the floor and I continued moving to the left to face the suspect, and he was still -- as I was falling, he was still to my left. He was still on my left hand side. And --... He was still armed.”<sup>143</sup>*

*“Maybe within three to five feet. Before I actually was laying on that floor, this is -- this is still when he's -- when -- before I fell, like coming off the sidewalk.”<sup>144</sup>*

**Volley Three** – Four rounds fired upward in a northwesterly direction from approximately two feet.

According to Officer Brady, as he moved backwards off the north curb of Sunset Boulevard in a southerly direction, he lost his footing and fell to the ground. Officer Brady observed Pinnock standing above him with the machete raised in the air causing Officer Brady to believe Pinnock was about to swing right at his face. Officer Brady was in fear for his life and believed he had to take action. Based on Pinnock's close proximity to Officer Brady in conjunction with Pinnock's aggressive action of raising up the machete, Officer Brady fired four rounds at Pinnock, from a close contact position, while on the ground. Officer Brady was in fear for his life and fired his service pistol to stop the imminent threat of seriously bodily injury and death that Pinnock presented to him. Officer Brady assessed and observed Pinnock fall onto the ground. Officer Brady immediately repositioned himself into a standing position and determined Pinnock was no longer an imminent threat.

Officer Brady recalled, *“It was -- that was the closest cover I can get to, so I redeployed behind that palm tree. But when I did that, I had to step off the curb of the street, and that's when I lost my footing. When that -- when that happened, I fell to the floor, and I turned -- turned to my side. I believe I turned to my left, and he was*

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<sup>140</sup> Brady, Page 55, Lines 20-22.

<sup>141</sup> *Id.*, Page 56, Lines 11-13.

<sup>142</sup> *Id.*, Page 56, Line 21 – Page 57, Line 1.

<sup>143</sup> *Id.*, Page 57, Lines 4-7 and Line 11.

<sup>144</sup> *Id.*, Page 57, Lines 14-17.



*right there still with the machete in his hand with it up in the air towards me, and that's when I fell back. And then I believe it was maybe two or three more shots. He was right above me with the machete and was about to swing at me when I heard other shots to my left, and that's when he collapsed on top of me. When I was chasing him, when I was keeping eyes running after him, when he stopped and was charging at me, there was a lot of space, but as soon as he came, I was in fear for my life, and that's when I had to take action then. When I fell to the floor, seeing I was in fear for my life, he had the machete. He was about to swing, and that's -- the last second is when he went down from the other officers.”<sup>145</sup>*

*“So I fell on the ground. I moved myself. I fell. I -- I was on my back and I turned up and I was facing towards the sky. And that was the position I was in.”<sup>146</sup>*

*“Like from what I remember, he was literally right on top of me. Like his legs were in between my legs. And then at this point, I saw he had the machete, and he raised the machete. And then I shot, I believe, when I saw him on me, and I shot, I don't know, maybe three, two rounds. Two or three rounds. But so he's on top of me but his blood was like going all over my face, so I had to kind of turn. His face was bloody so when he -- when he's above me, it was all on my face, so I turned my face. And in close quarter, I shot like two or three times, and that's when I heard I think another two or three shots as he was coming down, and that's when he collapsed.”<sup>147</sup>*

*“The suspect was literally right on top of me. I was -- I was afraid for my life. I was in fear for my life. He raised the machete, and I saw he was going to swing the machete at right -- right at my face. Yeah. I was in fear for my life. And at that point, I knew none of the shots that I shot before that hit him, it had no effect on him. And he still had -- when I saw him above me, I saw the straight nod, and he had no expression on his face still. It's the same blank stare in his eyes.”<sup>148</sup>*

*“I heard two or three shots, and they were to my left. They were west. So just west of me when he was swinging the machete and I heard the last two or three shots, and then that's -- that's all I remember.”<sup>149</sup>*

*“So when those -- when I heard those shots, he fell. I don't know if he fell to my right side or to my left side. I just know that when he was on top and I heard the last two shots, he just fell. I don't know where he fell. It was right next to my -- on my right*

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<sup>145</sup> Brady, Page 15, Line 25 – Page 16, Line 18.

<sup>146</sup> *Id.*, Page 57, Lines 20-23.

<sup>147</sup> *Id.*, Page 58, Line 17 – Page 59, Line 5.

<sup>148</sup> *Id.*, Page 59, Lines 12-21.

<sup>149</sup> *Id.*, Page 60, Lines 1-5.

*side or my left, but he fell like on me on my left side, on my left side. Not my right side.*"<sup>150</sup>

*"One handed, I think... Due to the -- he was so close to me, I didn't have room to take my -- my pistol. And I had it, from what I remember, just close quarter. And that's where I fired."*<sup>151</sup>

*"Center -- it was right in front of me. I was -- he was right there, so just center mass is right in front of me. That's what I saw first, and that's what I went for."*<sup>152</sup>

*"Well, that's -- that's what I -- the biggest target for me, and I didn't want to take the chance to look and find his head -- I -- yeah. I don't know. Or find another spot."*<sup>153</sup>

In this case, the UOFRB conducted a thorough review and analysis of the reasonableness of Officer Brady's use of lethal force. The UOFRB took into consideration that Officer Brady had knowledge that Pinnock was a robbery suspect armed with a machete based on the comments of the radio call, which was initially assigned to him and his partner, as well as the broadcasts by Officer Dominguez, advising that Pinnock was armed with a machete.

Once Officer Brady arrived at scene, he observed Pinnock armed with a machete and rapidly moving west in the drive-through of the Chick-fil-A, while being followed by additional officers. The UOFRB noted, Officer Brady was in visual contact with Pinnock as he made entry into the Lexus sedan and committed a violent carjacking. Officer Brady was handed a 40mm LLL and assumed a less-lethal role as he attempted to reposition to where he could utilize the 40mm LLL. However, before Officer Brady could utilize the 40mm LLL, he observed Pinnock flee the location in the stolen Lexus sedan, which collided with multiple police vehicles in an uncontrolled manner. The UOFRB noted, though officers commanded Pinnock to stop and drop his machete at various times throughout the encounter, Pinnock was non-compliant and generally unresponsive.

Officer Brady moved a short distance to the location where Pinnock had been involved in a traffic collision. Officer Brady fired his 40mm LLL one time as Pinnock aggressively exited the Lexus sedan, while still armed with a machete. The UOFRB noted Officer Brady observed Pinnock flee in a northeast direction across Sunset Boulevard and immediately followed in foot pursuit in order to maintain containment and visual contact due to the high pedestrian traffic in the area from multiple schools and cafes in the area. Officer Brady knew the area and was aware of the many

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<sup>150</sup> Brady, Page 60, Lines 8-14.

<sup>151</sup> *Id.*, Page 89, Line 3 and Lines 6-9.

<sup>152</sup> *Id.*, Page 92, Lines 11-14.

<sup>153</sup> *Id.*, Page 92, Lines 19-22.

shops and restaurants along Sunset Boulevard, an elementary school located a block north, and Hollywood High School that was located a block west. Officer Brady showed great concern for the restaurants that had people eating in their outside sitting area, specifically the restaurant that was located in the direction to which that Pinnock had fled.

The UOFRB considered that Officer Brady followed behind Pinnock at a significant distance and assessed that Pinnock presented an imminent lethal threat when Pinnock suddenly stopped, turned, and aggressively charged at Officer Brady, while armed with the machete. Officer Brady slung his 40mm LLL, drew his service pistol, and attempted to command Pinnock to stop and drop the machete, while he began backing up to maintain distance from a charging Pinnock. Officer Brady observed the speed at which Pinnock was closing distance. Officer Brady believed Pinnock was an imminent lethal threat to him and feared for his life. Officer Brady believed he need to act to stop the imminent threat Pinnock's actions posed and discharged his first volley of six rounds from his service pistol as he continued to back up in a westerly direction.

The UOFRB noted Officer Brady observed a tree just south of him and attempted to move to the cover of the tree as Pinnock continued to charge and close distance while armed with the machete. Officer Brady while moving in a southerly direction turned and discharged two additional rounds from his service pistol to stop the imminent lethal threat Pinnock's intentional and aggressive movements posed to him. The UOFRB noted the investigation determined that Pinnock had closed to within two feet of Officer Brady when he discharged his second volley at Pinnock.

The UOFRB noted Officer Brady lost his balance immediately after firing his second volley and fell to the ground on Sunset Boulevard. Officer Brady quickly rolled to his back, and observed Pinnock standing over him with the machete raised in the air with the intention of striking him. The UOFRB noted the investigation determined Pinnock was approximately two feet from Officer Brady as Officer Brady discharged his third volley of four rounds from his service pistol, based on Officer Brady being in fear for his life and to defend his life from the clear and imminent lethal threat Pinnock presented. The UOFRB noted, Officer Brady immediately repositioned after Pinnock fell to the ground and assessed that Pinnock was no longer a lethal threat. The UOFRB opined that Officer Brady was continually assessing after every round including attempting to reposition himself to a more advantages tactical position; however, Pinnock's actions stayed consistent as he charged, while the discharged rounds did not appear to have an effect on Pinnock until the end of the encounter. The UOFRB noted the investigation determined approximately 10 seconds elapsed from the moment Pinnock began advancing on Officer Brady to the last round being discharged.

Based on a preponderance of evidence and totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officer Brady, would reasonably believe Pinnock's actions presented

an imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable.

Therefore, the Chief found Officer Brady's Use of Lethal Force to be In Policy, No Further Action.

**Officer Padilla** - 9mm, two rounds fired in an easterly direction from a decreasing distance of approximately 20 to 15 feet.

According to Officer Padilla, he was following after Officer Brady and Pinnock east on Sunset Boulevard attempting to close distance. As Officer Padilla continued east, he observed Pinnock turn around with the machete in his hand and began chasing, running towards Officer Brady. Officer Brady began moving away from Pinnock and fired several rounds at Pinnock. Officer Padilla observed Officer Brady fall down on his back as he attempted to move away from Pinnock. Officer Padilla observed Pinnock in close distance and standing directly in front of Officer Brady, who was on the ground, as Pinnock raised the machete. Officer Padilla believed Pinnock's intention was to use force to strike down with the machete onto Officer Brady. Believing Officer Brady was in imminent danger, Officer Padilla fired two rounds from his service pistol to save Officer Brady's life and protect him from any bodily force or death. Officer Padilla immediately observed Pinnock collapse to the ground. Officer Padilla assessed and stopped firing as soon as he observed Pinnock was no longer a threat.

Officer Padilla recalled, *"At that point, the suspect turned around with the machete in hand, raised the machete, and began chasing, running towards Officer Brady. Officer Brady shot several rounds to protect himself, to protect his life. I got -- I ran closer and got to a better angle. And as Officer Brady was running away, he ran towards the middle of the street. Officer Brady fell down and fell to his -- he fell on his back. At that point, I observed the suspect raise the machete in the air at -- in an attempt to strike him, Officer Brady. At that point, to save Officer Brady's life and to protect him from any bodily force or death, I shot the suspect, I believe, twice."*<sup>154</sup>

*"I was very concerned for Officer Brady... That there was -- I was scared for his life, that his life was in danger."*<sup>155</sup>

*"He was directly on top of him. Yeah. Directly like standing directly in front of Officer Brady. And, you know, he pretty much, he put his hands, both hands on the machete, and his -- the machete was also up in the air as well."*<sup>156</sup>

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<sup>154</sup> Padilla, Page 8-9, Lines 22-25 and Lines 1-10.

<sup>155</sup> *Id.*, Page 18, Lines 2-3 and Lines 5-6.

<sup>156</sup> *Id.*, Page 19, Lines 12-16.

*"I decided to fire when I believed that the suspect was attempting to strike Officer Brady with a machete."*<sup>157</sup>

*"I believe approximately two rounds. Two or three rounds about... At that point, I just was trying to protect Brady from any bodily harm or death... He was -- at that time, he was -- it seemed like he was attempting to strike down on Officer Brady."*<sup>158</sup>

*"And so he was -- basically, he was up in the air and he was attempting to strike down, so that's when I shot two rounds. He then collapsed."*<sup>159</sup>

*"I believe he was going to strike... At this point, the suspect raised the machete in a - - as -- as -- as what appeared that he was ready to use force to strike down the machete... Above -- like above his -- above his head and like a striking forward motion down. That's where it appeared that he was -- his next move was going to be, it was to strike down onto the Officer Brady."*<sup>160</sup>

*"He immediately collapsed to the ground... And he -- I -- I -- I kept my gun pointed at him just to make sure that he was not -- no longer going to use the machete, but I -- yeah, I stopped firing because I believed he was not a threat anymore."*<sup>161</sup>

*"Just at that point, I believe it was an imminent situation where Officer Brady's life was in danger. Or possibly body force or his life was in danger."*<sup>162</sup>

In this case, the UOFRB conducted a thorough review and analysis of the reasonableness of Officer Padilla's use of lethal force. The UOFRB took into consideration that Officer Padilla had knowledge that Pinnock was a robbery suspect armed with a machete based on the comments of the radio call broadcast by CD as well as the broadcasts by Officer Dominguez, advising that Pinnock was armed with a machete.

Officer Padilla arrived on scene and had just entered the drive-through of the Chick-fil-A when he observed Pinnock accelerate and exit the drive-through in a reckless manner causing Pinnock to collide with multiple police vehicles. Officer Padilla followed after Pinnock to the scene of the traffic collision and observed Pinnock exit the Lexus sedan, aggressively armed with a machete. The UOFRB noted Officer Padilla observed Pinnock flee on foot in a northeasterly direction and immediately

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<sup>157</sup> Padilla, Page 20, Lines 2-4.

<sup>158</sup> *Id.*, Page 20, Lines 15-16, Lines 19-20, and Lines 23-25.

<sup>159</sup> *Id.*, Page 21, Lines 2-5.

<sup>160</sup> *Id.*, Page 40, Line 4, Lines 8-10, and Lines 19-23.

<sup>161</sup> *Id.*, Page 41, Lines 16-17 and Lines 19-23.

<sup>162</sup> *Id.*, Page 42, Lines 3-5 and Lines 7-8.

moved to his police vehicle which he immediately determined was disabled from the traffic collision.

Officer Padilla and his partner began following after Officer Brady east on Sunset Boulevard. The UOFRB noted the investigation determined Officer Padilla was initially 200 feet west of Officer Brady when he began following after Officer Brady. Officer Padilla, as he continued in a northeasterly direction on Sunset Boulevard, observed Pinnock suddenly turn and begin charging west towards Officer Brady on the north sidewalk of Sunset Boulevard. The UOFRB noted Officer Padilla continued to close distance as Officer Brady moved backwards and discharged his service pistol to stop the lethal threat posed by Pinnock's aggressive actions.

Officer Padilla observed Officer Brady fall to the ground. Officer Padilla drew his service pistol and continued to close the distance to them. The UOFRB considered that Officer Padilla observed Pinnock's aggressive charge at Officer Brady armed with a machete and Officer Padilla's observation of Pinnock standing over Officer Brady with the machete raised up in a striking motion. Officer Padilla was in fear for Officer's Brady's safety and his life and discharged two rounds from his service pistol to protect Officer Brady and save his life from the imminent lethal threat presented by Pinnock's intentional and aggressive actions.

The UOFRB noted Officer Padilla immediately assessed after discharging his rounds and observed Pinnock had fallen to the ground. Officer Padilla determined Pinnock was no longer an imminent threat and continued to cover Pinnock as he waited for additional officers to arrive. The UOFRB noted the rapid development of the tactical situation and that the investigation determined approximately 10 seconds elapsed from the moment Pinnock began advancing on Officer Brady to the last round being discharged. The UOFRB opined Officer Padilla assessment and timely decision to utilize lethal force saved Officer Brady's life.

Based on a preponderance of evidence and totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officer Padilla, would reasonably believe Pinnock's actions presented an imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable.

Therefore, the Chief found Officer Padilla's Use of Lethal Force to be In Policy, No Further Action.

### **Additional/Equipment**

- **Profanity** – The investigation revealed that Officer Coronado, while approaching Pinnock in the driveway of the Chick-fil-A restaurant, directed officers to utilize less-lethal impact devices and stated, "Hit that motherfucker!" Additionally, Officer Coronado stated, "Beanbag his ass." Captain S. Lurie, Serial No. 33959, Commanding Officer, Hollywood Area, advised that this issue was addressed

through informal counseling. The Commanding Officer of Operations – West Bureau (OWB) and the Director of the Office of Operations (OO) concurred with this action. As such, the Chief deemed no further action is necessary.

- **Completion of Report** – The investigation revealed, while interviewing Witness K. Gayle, Pinnock's sister, FID investigators learned that she visited the Hollywood Area Community Police Station on November 29, 2019 and attempted to file a missing person report via the front desk. According to Gayle, the front desk officer did not complete a missing person report because the front desk officer believed it was possible that Pinnock was just avoiding his family and not actually missing. Captain Lurie advised this issue was addressed through the generation of a personnel complaint (CF No. 20-002072). Additionally, as a corrective measure, a system was implemented where daily front desk sign in sheets are to be included with Watch Commanders Logs in order to track all front desk visitors with the name of the desk officer that assisted them.
- **Medical Treatment – Rendering Aid:** The investigation noted that following the OIS, Pinnock sustained multiple gunshot wounds. After repositioning the machete from Pinnock and securing him with handcuffs, the officers placed the suspect on his back to assess his medical condition. Officer Anaya administered CPR until he was relieved by responding LAFD personnel. This is a laudable reflection of maturity by the officers to transition from a high stress tactical incident to that of conducting a medical assessment on Pinnock and rendering immediate care until the arrival of medical personnel.
- **BWV Activation** – The investigation revealed Officer Dominguez had a late activation during the incident. An analysis by Hollywood Area determined Officer Dominguez had one prior DICVS non-compliance incident. Captain Lurie addressed this issue through the generation of a Supervisory Action Item (SAI) and the issuance of an Employee Comment Sheet. The Commanding OWB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

The investigation revealed Officer Anaya had a late activation during the incident. An analysis by Hollywood Area determined Officer Anaya had three prior administrative DICVS non-compliance incidents. Captain Lurie addressed this issue through the generation of a SAI and the issuance of an Employee Comment Sheet. The Commanding OWB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

The investigation revealed Officer Choi had a late activation during the incident. An analysis by Hollywood Area determined Officer Choi had no prior BWV non-compliance incidents. Captain Lurie addressed this issue through the generation of a SAI and the issuance of an Employee Comment Sheet. The Commanding OWB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

The Office of Operations conducted a random inspection of BWV assigned to Officers Anaya and Choi, from July 8, 2020 through August 6, 2020, and of BWV assigned to Officer Dominguez, from May 1, 2020 through May 30, 2020, for compliance with timely BWV activation. The results of the inspections indicated all were in compliance.

The investigation revealed Officer Coronado did not have a full two-minute pre-activation buffer during the incident. An analysis by Hollywood Area determined Officer Coronado had a prior administrative BWV non-compliance incident. Captain Lurie addressed this issue through the generation of a SAI and the issuance of an Employee Comment Sheet. The Commanding OWB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

The Office of Operations conducted a random inspection of BWV assigned to Officer Coronado, from July 8, 2020 through August 6, 2020, for compliance with having a full two-minute pre-activation buffer. The results of the inspection indicated Officer Coronado was in compliance.

The investigation revealed Officer Anderson did not have a full two-minute pre-activation buffer during the incident. An analysis by Hollywood Area determined Officer Anderson had no prior BWV non-compliance incidents. Captain Lurie addressed this issue through the generation of a SAI and an informal meeting. The Commanding OWB and the Director of OO concurred with this action.

The Office of Operations conducted a random inspection of BWV assigned to Officer Anderson, from July 8, 2020 through August 6, 2020, for compliance with BWV specific to with having a full two-minute pre-activation buffer. The results of the inspection indicated Officer Anderson was compliant on seven of eight selected incidents, which have been addressed with the generation of a SAI and the issuance of an Employee Comment Sheet. The Office of Operations will continue to conduct a random inspection of Officer Anderson's BWV until full compliance is achieved.

The investigation revealed Officer Smyth did not have a full two-minute pre-activation buffer during the incident. An analysis by Hollywood Area determined Officer Smyth had three prior administrative BWV/DICVS non-compliance incidents. Captain Lurie addressed this issue through the generation of a SAI and the issuance of an Employee Comment Sheet. The Commanding OWB and the Director of OO concurred with this action.

The Office of Operations conducted a random inspection of BWV assigned to Officer Smyth, from July 8, 2020 through August 6, 2020, for compliance with BWV specific to having a full two-minute pre-activation buffer. The results of the inspection indicated Officer Smyth was compliant on six of eight selected incidents, which have been addressed with the generation of a SAI and the issuance of a Notice to Correct



Deficiencies. The Office of Operations will continue to conduct a random inspection of Officer Smyth's BWV until full compliance is achieved.

The investigation revealed Officer Frias did not have a full two-minute pre-activation buffer during the incident. An analysis by Hollywood Area determined Officer Frias had one prior administrative BWV non-compliance incident. Captain Lurie addressed this issue through the generation of a SAI and the issuance of an Employee Comment Sheet. The Commanding OWB and the Director of OO concurred with this action.

The Office of Operations conducted a random inspection of BWV assigned to Officer Frias, from July 8, 2020 through August 6, 2020, for compliance with BWV specific to with having a full two-minute pre-activation buffer. The results of the inspection indicated Officer Frias was compliant on one of eight selected incidents, which have been addressed with the generation of a SAI and the initiation of a Personnel Complaint. The Office of Operations will continue to conduct a random inspection of Officer Frias' BWV until full compliance is achieved.

The investigation revealed Sergeant Williams did not have a full two-minute pre-activation buffer during the incident. An analysis by Hollywood Area determined Sergeant Williams had one prior administrative DICVS non-compliance incident. Captain Lurie addressed this issue through the generation of a SAI and the issuance of an Employee Comment Sheet. The Commanding OWB and the Director of OO concurred with this action.

The Office of Operations conducted a random inspection of BWV assigned to Sergeant Williams, from July 8, 2020 through August 6, 2020, for compliance with BWV specific to with having a full two-minute pre-activation buffer. The results of the inspection indicated Sergeant Williams was compliant on six of eight selected incidents, which have been addressed with the generation of a SAI and the issuance of a Notice to Correct Deficiencies. The Office of Operations will continue to conduct a random inspection of Sergeant Williams' BWV until full compliance is achieved.

## **Audio/Video Recordings**

- **Digital In-Car Video System (DICVS)** – Force Investigation Division investigators identified the DICVS videos of nine vehicles as being related to this incident. The DICVs videos of the substantially involved officers in this incident were reviewed in detail.
- **Body Worn Video (BWV)** – Force Investigation Division investigators identified the BWVs of 55 officers as being related to this incident. The BWVs of the 17 officers noted in this administrative summary were reviewed in detail. The BWVs of the remaining 38 officers were inspected and determined not to have captured the OIS or have any other apparent value to this investigation.

- **Outside Videos** – Ten, non-Department, videos were obtained by FID investigators during this investigation. Each of those videos were reviewed in detail and vaulted at Technical Investigation Division Electronics Section for future reference. Three of the videos were deemed not pertinent as they did not capture images of the suspect or images of officers interacting with the suspect.

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## **INSPECTOR GENERAL REVIEW**

### **Inspector General Analysis**

#### **Investigation Quality**

- No significant issues of concern were identified in relation to investigation quality.

#### **Training Issues**

- No significant issues of concern were identified in relation to training.

#### **Equipment Issues**

- No significant issues of concern were identified in relation to equipment.

#### **Detention**

- The OIG concurs with the Chief's conclusion.

#### **Tactical De-escalation**

- The OIG concurs with the Chief's analysis.
- The Chief's analysis notes a series of tactical concerns, the net effect of which was to produce a situation in which Officer Brady found himself in a one-on-one confrontation with Pinnock as Pinnock turned and began to charge at him with the machete. Accordingly, the tactical advantage afforded the involved officers by their numerical superiority over Pinnock was lost at that stage of the incident, placing Officer Brady in a disadvantageous and life-threatening situation. Of particular concern in this regard was Officer Holguin's failure to coordinate his actions with those of his partner, Officer Brady, and Officer Smyth's decision to abandon his position as the second officer in the foot pursuit in order to return to his police vehicle. These actions, in addition to the noted tactically-disadvantageous approaches to Pinnock that were made by Officer Smyth during the carjacking and immediately following the subsequent collision, were at odds with Department training regarding de-escalation.

#### **BWV and DICVS Policy Compliance**

SERIAL	NAME	TIMELY BWV ACTIVATION	FULL 2- MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
39871	Frias, Lose	Yes	No	Yes	N/A	N/A
41595	Smyth, Taylor	Yes	No	Yes	N/A	N/A
39581	Williams, Jerry	Yes	No	Yes	N/A	N/A

43880	Anderson, Destini	Yes	No	Yes	N/A	N/A
38985	Coronado, Heriberto	Yes	No	Yes	N/A	N/A
39042	Dominguez, Cuitlahuac	No	Yes	Yes	Yes	N/A
44001	Choi, Chris	No	Yes	Yes	N/A	N/A
40012	Anaya, David	No	Yes	Yes	N/A	N/A

### **Inspector General Recommendations**

#### **Tactics**

- The OIG concurs with the Chief's findings.

#### **Drawing/Exhibiting**

- The OIG concurs with the Chief's findings.

#### **Less-Lethal Use of Force**

- The OIG concurs with the Chief's findings.

#### **Lethal Use of Force**

- The OIG concurs with the Chief's findings.



Mark P. Smith  
Inspector General